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Massachusetts

# Aquaculture White Paper & Strategic Plan

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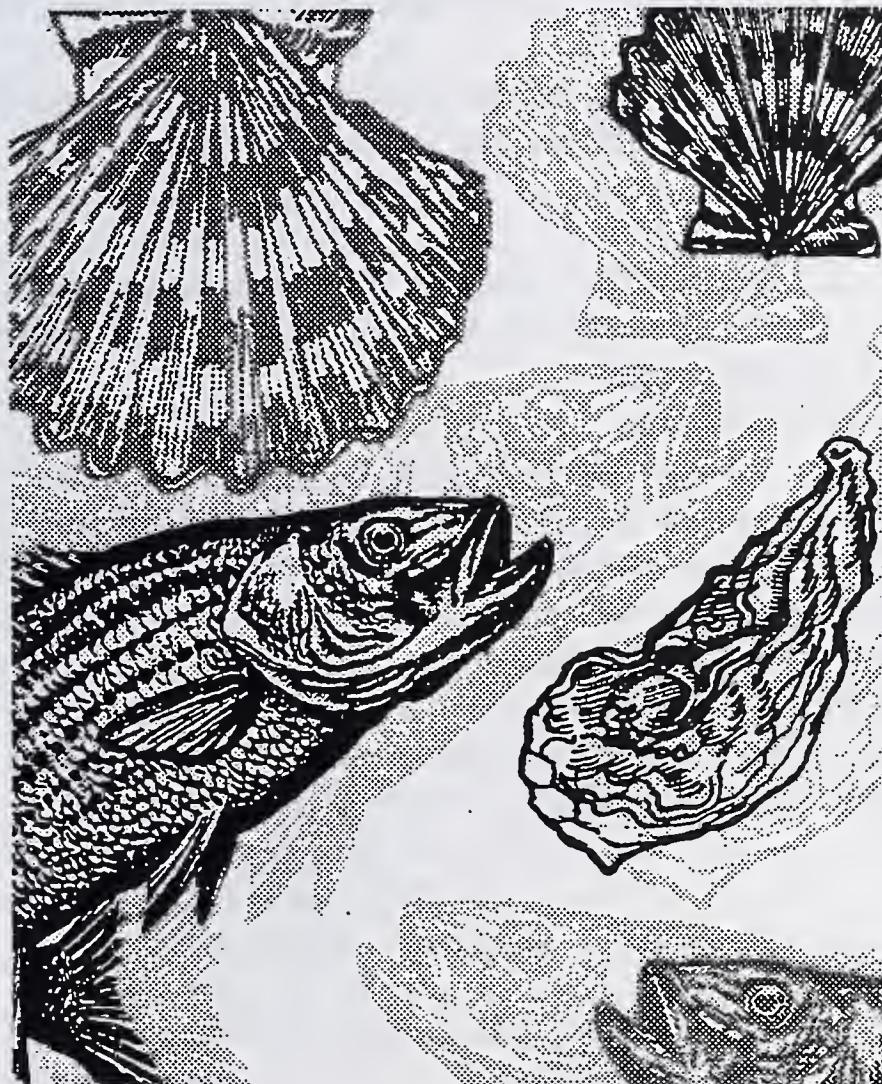




Massachusetts

# Aquaculture White Paper & Strategic Plan

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September 1995

## **ACKNOWLEDGEMENTS**

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The Aquaculture White Paper and Strategic Plan are the result of the concerted effort of the Aquaculture Steering Committee led by Leo Pierre Roy, Undersecretary of Environmental Affairs; The Economic Development and Marketing Working Group chaired by Dr. Priscilla Brooks of the Conservation Law Foundation, Jay Healy, Commissioner of Food and Agriculture and Lisa Standish of the Mass. Office of Business Development; The Regulatory Reform Working Group chaired by Bob Golledge Acting Deputy Director of Wetlands and Waterways, DEP and Susan Snow-Cotter, MCZM; and The Environmental Review Working Group which was chaired by Jim Fair, Assistant Director of DMF and Dr. Harlyn Halverson of U-Mass/Dartmouth. The individual members of these groups are listed in Appendix G.

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While the planning and preparation of this report was a coordinated effort in every sense, the following key staff members were responsible for individual components of the document:

Inland White Paper - Dr. Mark Tisa, Division of Fisheries and Wildlife  
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Strategic Plan - Susan Snow-Cotter  
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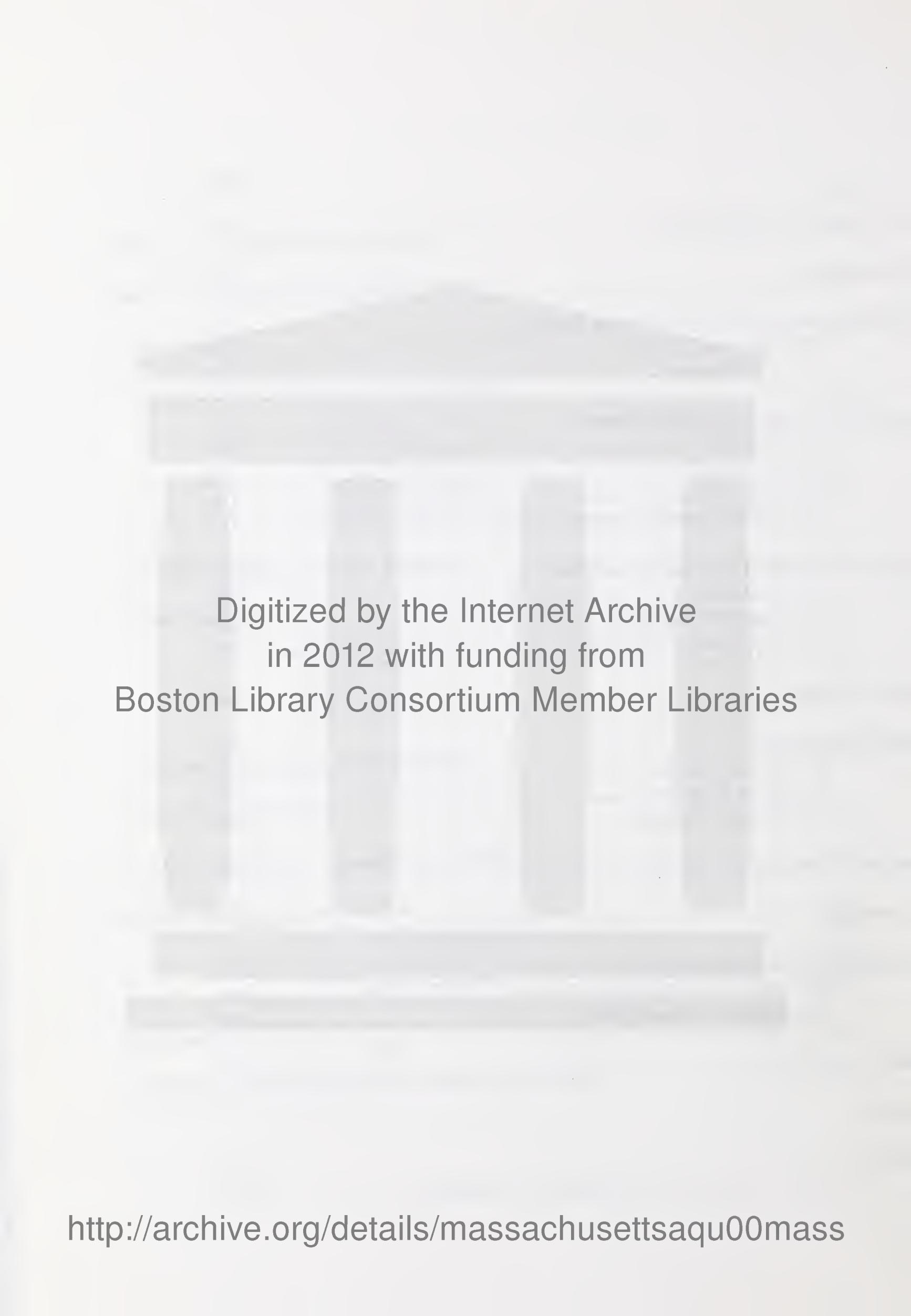
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# Aquaculture Strategic Plan

## EXECUTIVE SUMMARY

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### *Why Develop a Plan for Aquaculture in Massachusetts?*

Aquaculture offers tremendous opportunities for the Commonwealth of Massachusetts, especially during a time when the state's fishing industry has been so hard hit by reductions in groundfish stocks. This growth industry can provide jobs that are much needed in the seafood sector of the economy. In addition, aquaculture represents a sustainable economic use of our coastal resources -- which means that aquaculture activities can be continued into the future, providing economic opportunity without depleting non-renewable resources.

With our wealth of diverse marine and freshwater resources, world class research institutions, concentration of marine technology firms, and strategic location to serve one of the world's largest seafood markets, Massachusetts is a natural place for extensive aquaculture. Up to this time, however, the full opportunities provided by aquaculture have not been seized upon, largely due to a number of regulatory barriers. Now is the time to develop a plan to remove these regulatory barriers so that the future of aquaculture in the Commonwealth can be secured.

The Aquaculture Strategic Plan explains where we are now and where we are going with aquaculture in Massachusetts. It is the tool that is needed to form a framework to support aquacultural activity, both private and public, and to encourage the growth of this industry during a critical stage of development.

### *Who Developed the Plan?*

The plan was developed by three working groups: the Environmental Review Working Group, the Regulatory Reform Working Group, and Economic Development Working Group. These working groups were brought together by the Secretary of the Executive Office of Environmental Affairs, Trudy Coxe, at the request of Governor William F. Weld. These groups are made up of specialists in different aspects of aquaculture and resource management and have been overseen by an Aquaculture Steering Committee, led by Undersecretary of Environmental Affairs Leo Pierre Roy.

### *When Will the Recommendations Be Implemented?*

The Aquaculture Strategic Plan has a five year horizon, concluding in the year 2000. The Plan proposes a series of both short and long-term recommendations. The short-term actions will not require any changes in legislation or regulations and

include projects that can be implemented utilizing existing or reprogrammed resources. Many of these short-term recommendations also require no funding, only redirected staff attention or policy change. The long-term recommendations require either legislative action, regulatory change, or significant financial appropriations. Now is the time, however, to begin the process so that these recommendations can be implemented by the turn of the century.

### ***What Does the Plan Include?***

The Aquaculture Strategic Plan includes 68 specific recommendations for the State to implement to overcome existing constraints and take advantage of opportunities in the aquaculture industry. Of these 68 recommendations, the following were identified as priorities for action:

- Initiate regulatory streamlining recommendations.
- Establish an interagency Aquaculture Coordination Team (ACT) to oversee implementation of Strategic Plan and to guide State aquaculture activities.
- Establish an Aquaculture Coordinator position to serve as a single point of entry for all existing and prospective aquaculturists. The Coordinator will lead ACT and provide the link between all State agency activities relating to aquaculture, both regulatory and promotional. Additionally, the Coordinator will be charged with spearheading the implementation of this Plan.
- Establish a broad-based Aquaculture Advisory Group to advise ACT on issues of concern.
- Direct all aquaculture related bond appropriations toward priorities identified in the Strategic Plan.
- Work with municipal officials, the Department of Marine Fisheries, and shellfish aquaculturists to improve and standardize the administration of shellfish licenses to improve the prospects for obtaining financing for aquaculture ventures.

These and the other recommendations are explained in detail throughout the plan, which is broken down into the following chapters:

- Chapter 1 defines aquaculture, characterizes the size and potential for the industry in Massachusetts, and justifies why the State should actively encourage aquaculture.

- Chapter 2 outlines the priority overarching recommendations of the Plan and includes the proposed agency framework.
- Chapter 3 summarizes specific steps to streamline aquaculture permitting.
- Chapter 4 includes the recommendations for promoting the economic development of aquaculture.
- Chapter 5 details a recommended approach for siting and monitoring the environmental impacts resulting from aquaculture.
- Chapter 6 summarizes the report and lists all the recommendations.
- A glossary which includes all acronyms utilized in report is found on page 63.



# Chapter I

## INTRODUCTION

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### *What is Aquaculture?*

On a technical level, aquaculture is defined as "the manipulation of marine or freshwater organisms and/or their environment before eventual release, harvest, or capture; the controlled cultivation and harvest of aquatic animals and plants" (USDA National Aquaculture Development Plan, 1983). On the popular level, however, aquaculture is sometimes referred to as "fish farming." For the purposes of this Strategic Plan, the term "aquaculture" will include all aspects of the technical definition and will discuss the industry and science as a whole.

"Marine aquaculture" or "inland aquaculture" will be used to differentiate between the location and nature of the type of aquaculture. "Marine aquaculture" includes structures (trays, pens, enclosures, nets, etc.) that are located in or on unaltered marine waters. "Inland aquaculture" includes facilities on land including, in some cases, freshwater wetlands. Inland aquaculture utilizes ponds, tanks, and enclosures that are dependent upon the culturist for maintenance of water quality, food supply, and waste removal. Certain facilities and culturing technologies that do not fit squarely within either category will be identified throughout this Plan. Examples of aquaculture that involves both inland and marine components are: the culture of anadromous and catadromous species, hatcheries, and recirculating systems that withdraw from and discharge into marine waters.

When the term "aquaculture" is used in this Plan it includes both public and private operations. There is widespread interest in the Commonwealth in both privately owned and operated aquaculture activities, as well as enhancement and propagation efforts that will augment recreational and commercial harvests. In addition, this Plan advocates public/private aquaculture partnerships.

### *What Is the Purpose of the Aquaculture Strategic Plan?*

The economic realities of the fisheries declines coupled with the economic opportunities associated with increased demand for fish and fish products means that the interest in aquaculture is growing rapidly. While many other states and nations have taken steps to support aquaculture in their jurisdictions, Massachusetts has lagged behind. Currently, there are a myriad of regulatory and legal impediments to the development of a successful aquaculture industry in the Commonwealth. Now is the time, therefore, to break down these barriers and ensure that aquaculture can be effectively pursued in this state.

The Aquaculture Strategic Planning process marks the first coordinated effort to support aquaculture in Massachusetts. The Strategic Plan represents the foundation for addressing the complex, multifaceted issues associated with aquaculture and removing unnecessary impediments to the aquaculture industry. This effort represents a five year planning process and will build a long-term structure for aquaculture development. The Strategic Plan is not intended to "solve" all aquaculture related issues now, but rather it is designed to chart a course for identifying key issues and solving problems in a cooperative and comprehensive manner.

### *What Is the Aquaculture Strategic Planning Approach?*

In December of 1994, Governor William F. Weld requested that the Executive Office of Environmental Affairs (EOEA) initiate a strategic planning process to investigate the potential for aquaculture in Massachusetts and determine why the Commonwealth lags so far behind many of our neighboring states in this industry. Governor Weld further directed EOEA to put together broad-based, but focussed, Working Groups to craft recommendations on how the State can overcome some of the constraints that aquaculture faces in Massachusetts.

In response to the Governor's request, Secretary Trudy Coxe organized three Working Groups: the Regulatory Reform Working Group, the Environmental Review Working Group, and Economic Development Working Group. These groups met regularly for the first half of 1995 and initiated a strategic planning process, which included site visits to aquaculture facilities, discussions with industry and potential aquaculturists, international literature reviews, four regional public meetings, and over 40 working meetings. The recommendations developed by the Working Groups are found in Chapters 2, 3, 4 and 5.

To provide oversight and direction to the Working Groups, a broad based Aquaculture Steering Committee comprised of representatives from private industry, academia, government, the Legislature, and the restaurant trade was formed. The Steering Committee met monthly with the Chairs of the Working Groups.

## *Aquaculture Projections*

If the recommendations included in this Plan are successfully implemented, it is projected that by the year 2000 Massachusetts could realize<sup>1</sup>:

- An increase in marine acreage under commercial shellfish cultivation from 645 acres (1994) to 1600 acres.
- An increase in full and part-time aquaculture jobs from 131 today to 740.
- An increase in farm gate value of shellfish from approximately \$4 million (Bush and Anderson, 1992) to \$27 million.
- An increase in farm gate value of finfish produced in inland facilities from approximately \$4 million (Bush and Anderson, 1992) to \$16 million.
- An increase in farm gate value of shellfish and finfish produced in offshore facilities from zero today to \$2 million.
- A total farm gate production increase from \$8 million (NRAC, 1992) to \$45 million.

## *What Is the Status of the Aquaculture Industry in Massachusetts?*

Managed cultivation of shellfish and crustaceans in Massachusetts originated with the native Americans and was adopted by the early settlers on Cape Cod. It was not until the 1970's and 1980's, however, that efficient and viable hatchery and grow-out techniques were proven effective on a larger, commercial scale.

Today, aquaculture in Massachusetts is estimated to be about an \$8 million dollar industry (Bush and Anderson, 1993). The industry is roughly split between inland and marine aquaculture in terms of economic value. The inland industry is comprised primarily of a handful of highly technical recirculating facilities located primarily in the western part of the state (with one on Cape Cod). These facilities produce hybrid striped bass, tilapia, trout, and other finfish. The marine aquaculture industry in Massachusetts mainly produces quahogs (hard clams) and oysters, with small quantities of scallops, soft shell clams, and mussels. The marine

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<sup>1</sup> Assumptions: 20% increase per year in shellfish leases over the course of planning period (five years). An estimated production value of \$30,000/acre for the most efficient, well-managed operations (640 acres or 40% of leased areas) and a lower average of \$8,000/acre for the remaining operators (960 acres or 60% of leased acres). The employment numbers were generated utilizing data compiled by NRAC on employment and production in the Northeast Region. Total estimated employment for both full and part time employees in the NE region (2,400) was divided by the total regional production (\$146,409,000) and resulted in an estimated \$61,004/employee. \$61,004 was then divided into the total Massachusetts production for the year 1992 (\$8,000,000) and into the projected 2000 production (\$45,000,000) to result in an estimated 131 jobs today and 740 jobs in the year 2000.

aquaculture industry is concentrated on Cape Cod and the Islands with some producers on the South and Southeastern Shores.

Put in perspective, the Massachusetts aquaculture industry is small. Worldwide Total Aquaculture Production in 1992 is estimated to be \$32.5 billion (FAO, 1995). The U.S. Total Aquaculture Production in 1993 was over \$810 million (NMFS, 1995). In the Northeast Region in 1992, Massachusetts was the fifth largest aquaculture producing state after Connecticut (\$61.7 million), Maine (\$42.9 million), Pennsylvania (\$11.9 million), and New York (\$9.6 million) (NRAC, 1993).

### *What Is the Potential for Aquaculture in Massachusetts?*

Without a doubt, Massachusetts enjoys a competitive advantage for aquaculture in terms of access to fresh and marine waters, excellent port and processing facilities, world class research institutions, a highly educated work force, and established markets and distributions links. Despite the factors that inhibit aquaculture in the state (i.e., a highly developed coastline, multiple competing uses of the coast, a redundant regulatory system, legal issues, and a misunderstanding of aquaculture by the public and the fishing industry) our state clearly has the potential to support a thriving aquaculture industry.

The potential for aquaculture to expand in the Commonwealth is dependent on several considerations. This Plan is meant to overcome some of the anthropogenic constraints, such as regulatory framework, business climate, public acceptability, and user conflicts. Other, more environmental constraints, such as tidal range, exposure, biological parameters, flushing rates, and temperature are not easily overcome. On balance, however, Massachusetts has the potential to weigh in as an extremely competitive location for aquacultural activity.

### *Why Should the State Support this Industry?*

Fish, fishing, and fishermen are deeply rooted in Massachusetts' history and traditions. In fact, when the settlers came to Massachusetts, our eastern-most shores were named Cape Cod because of the abundance of fish. Today, however, many of our traditional groundfish stocks have been severely depleted. Aquaculture is a means to continue our fishing traditions in the face of declining wild fish stocks. The harvesting of wild stocks can not be sustained at the levels experienced in recent decades. Aquaculture can be used to augment the wild harvest, which will undoubtedly be fished at lower intensities than in the past.

When sited and managed properly, aquaculture is an environmentally compatible industry that requires consistently high water quality. By encouraging aquaculture, the Commonwealth can enjoy a diversified economy in areas of limited year-round employment while ensuring the protection of a critical resource -- water quality.

The success of aquaculture is, in many ways, dependent on enhanced and sustained water quality. It is essential that local, state and federal resources continue to be mobilized at controlling both point and non-point sources of pollution.

Aquaculture in its many manifestations offers jobs ranging from the highly technical to the basic and supports numerous spin-off and support industries. The aquaculture industry and the jobs it creates are also sustainable, which means that aquaculture activities, if implemented using good husbandry practices, can be carried on indefinitely. Aquaculture products can also assist in diversifying the fresh fish available to consumers, wholesalers and retail markets.

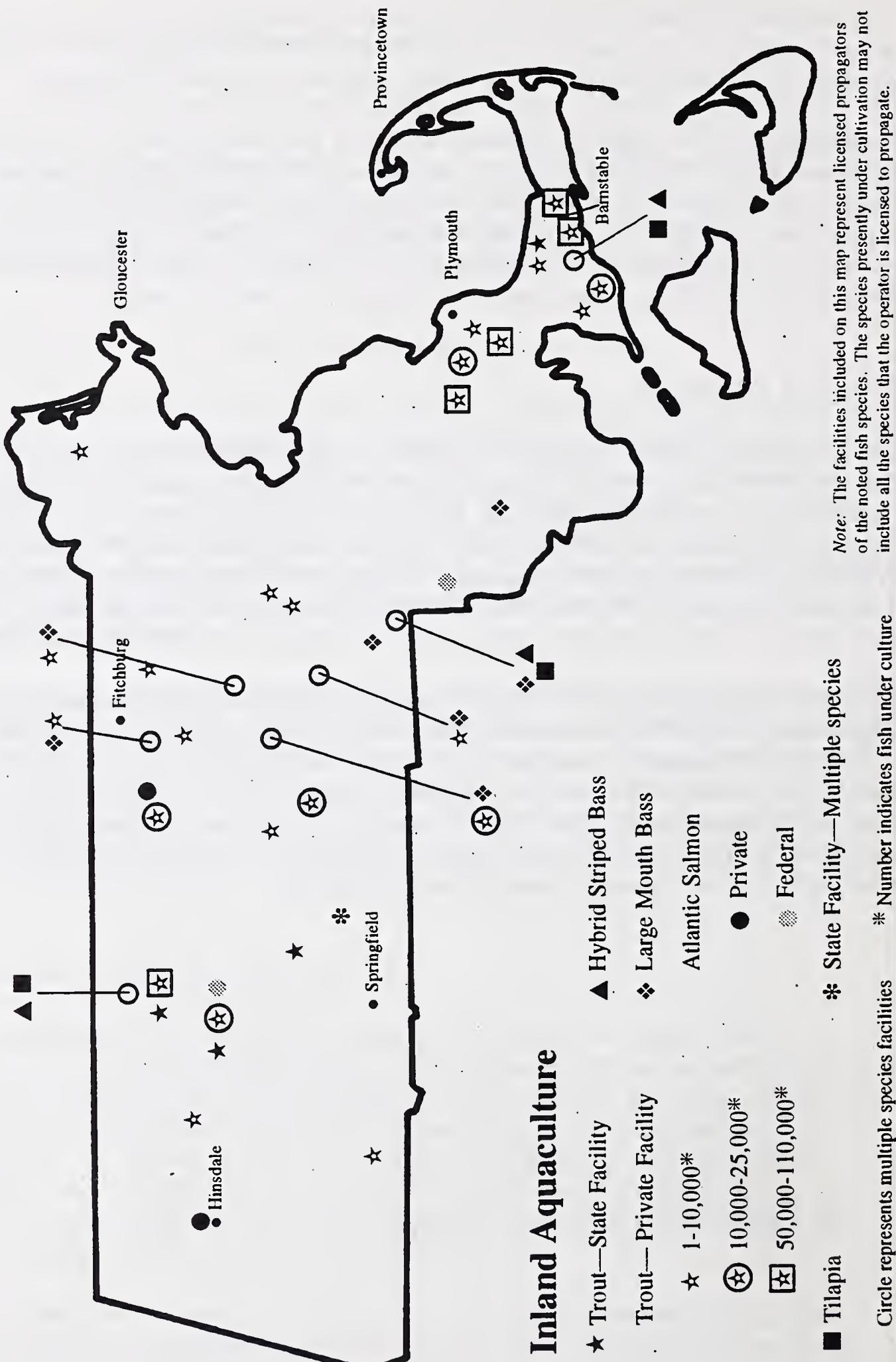
### *The Need for Balance*

The Commonwealth recognizes the need to support aquaculture in a manner that is compatible with the other existing uses of Massachusetts' waters and uplands. Specifically, diverse needs (such as private property rights, public access, the wild fishery, navigation, and recreation) that aquaculture will compete with must be analyzed. Without question, aquaculture must be balanced with other compatible activities. A balance can be struck, however, because all these activities have much in common -- and most importantly, they all require sustained high water quality.

Rather than being a divisive issue, aquaculture in Massachusetts can function as an opportunity to galvanize disparate interests to work toward common goals including: diversified, sustainable economies for isolated rural areas, both inland and marine; remediation of contaminated areas; improved viability of non-productive areas; minimized upland sources of point and nonpoint pollution; and education of our children on the value of a healthy ecosystem that can support renewable natural resource-based food production.

## Graphic 1

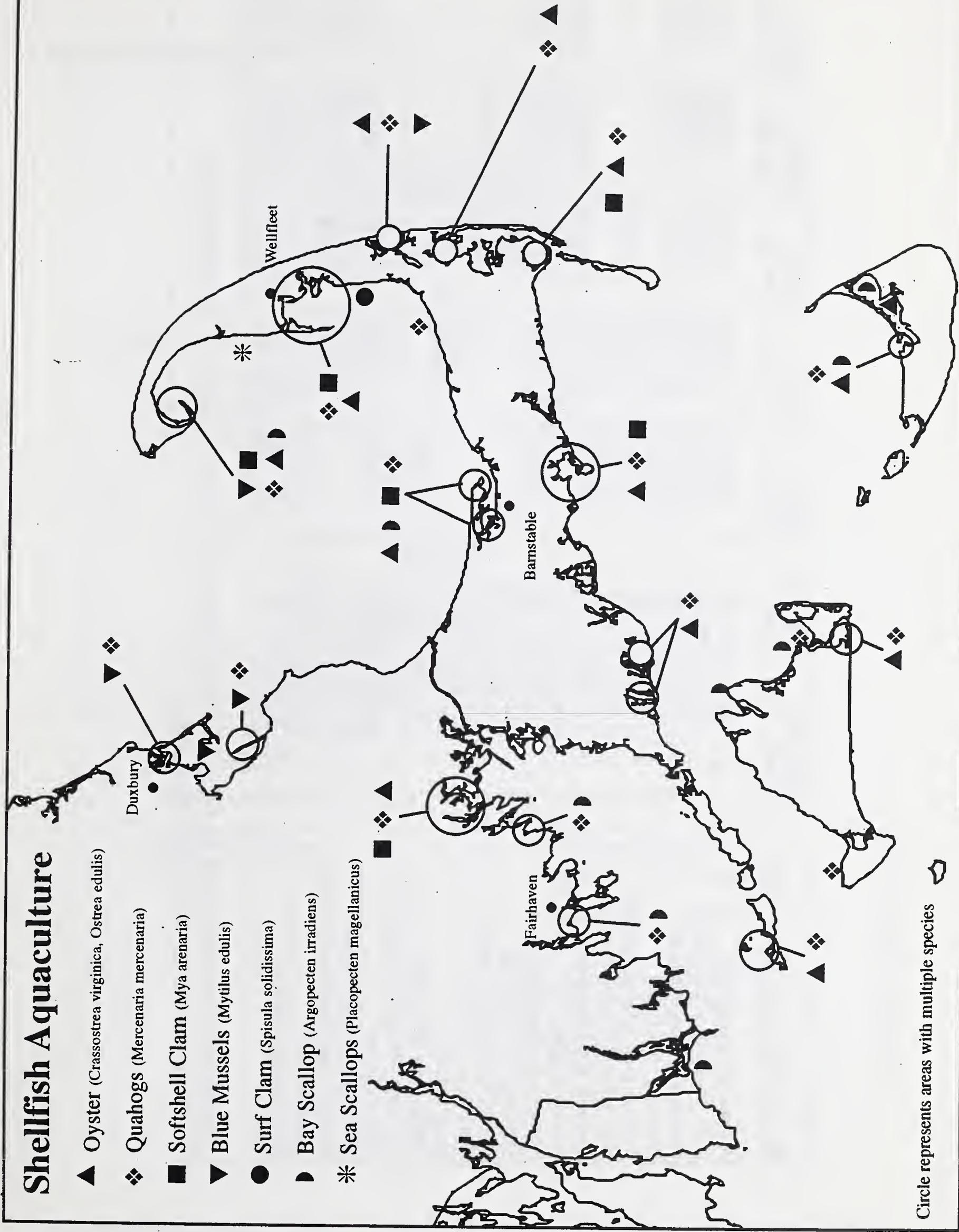
### Inland Aquaculture



## GRAPHIC 2

### Shellfish Aquaculture

- ▲ Oyster (*Crassostrea virginica*, *Ostrea edulis*)
- ◆ Quahogs (*Mercenaria mercenaria*)
- Softshell Clam (*Mya arenaria*)
- ▼ Blue Mussels (*Mytilus edulis*)
- Surf Clam (*Spisula solidissima*)
- Bay Scallop (*Argopecten irradians*)
- \* Sea Scallops (*Placopecten magellanicus*)



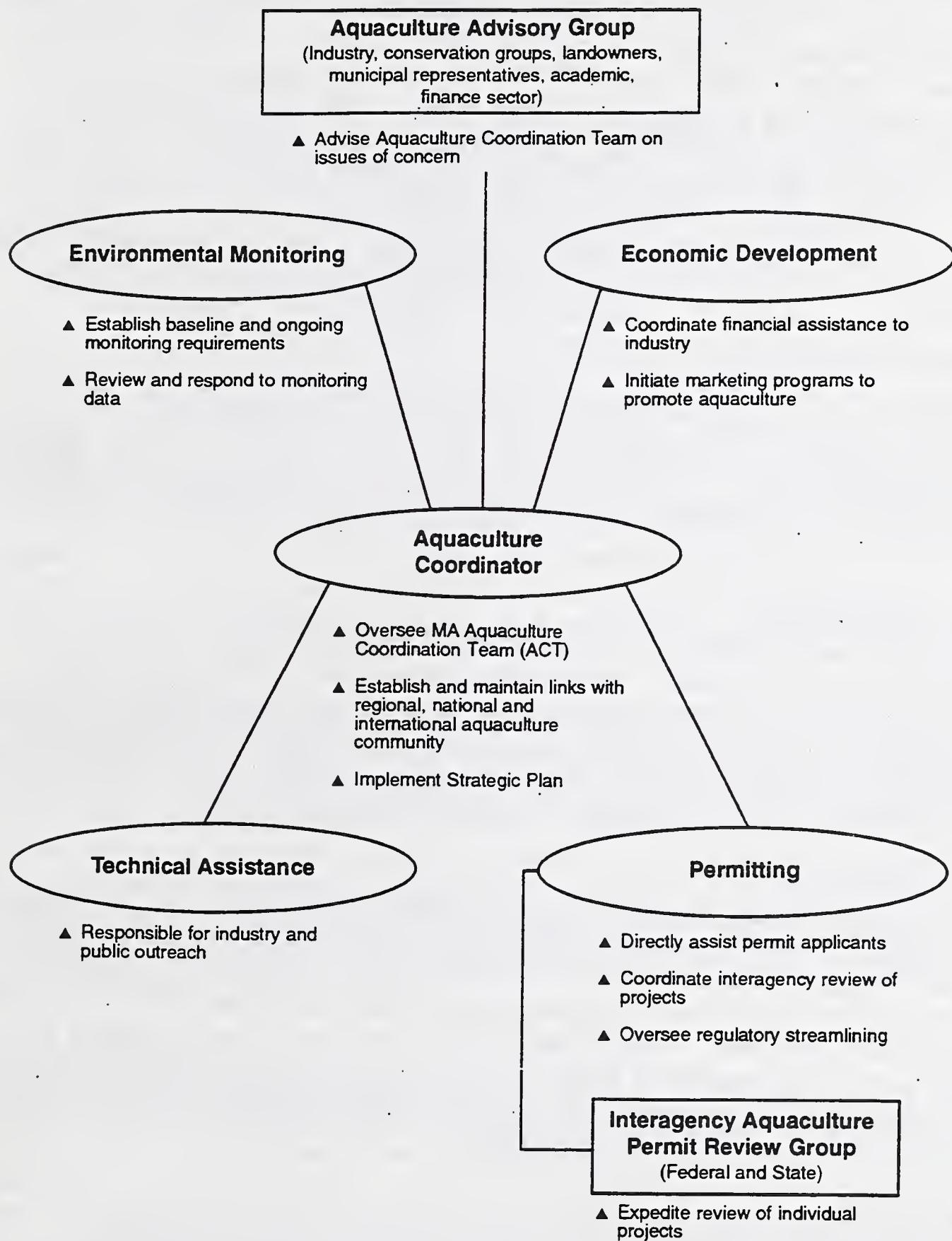
**RECOMMENDED FUNDING LEVELS**

<b>Programs (Listed in order of priority)</b>	<b>Five Year Funding Level</b>	<b>Starting Year</b>	<b>Fiscal Year '96</b>	<b>Fiscal Year '97</b>	<b>Fiscal Year '98</b>	<b>Fiscal Year '99</b>	<b>Fiscal Year 2000</b>
Aquaculture Coordinator	\$250,000	FY '96	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
DMF Aquaculture Specialist	\$250,000	FY '96	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
Municipal Propagation Grants	\$2,000,000	FY '96	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000
Revolving Loan Fund*	\$1,000,000	FY '96	\$500,000	\$500,000			
Seafood Expo & Other Festivals	\$100,000	FY '96	\$20,000	\$40,000	\$40,000		
High School/Vo-Tech Program	\$150,000	FY '96	\$75,000	\$75,000			
Research and Development	\$2,015,000	FY '96	\$500,000	\$500,000	\$400,000	\$400,000	\$315,000
Extension Agents (2)	\$400,000	FY '97		\$100,000	\$100,000	\$100,000	\$100,000
Research & Innovation Center	\$150,000	FY '96	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000
Consumer P.R. Campaign	\$50,000	FY '98		\$50,000			
Grower Marketing Seminars	\$10,000	FY '98		\$5,000	\$5,000		
Mass Grown Seal* *	\$5,000	FY '97		\$5,000			
Buyer's Guide* *	\$5,000	FY '97		\$5,000			
Publish New State Policy	\$5,000	FY '96	\$5,000				
Economic Development Seminars	\$10,000	FY '96	\$5,000				
Industry Survey	\$50,000	FY '96	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
Univ./State College Program	\$1,500,000	FY '97		\$750,000	\$250,000	\$250,000	\$250,000
Public/Private Enhancement Program	\$500,000	FY '97		\$75,000	\$100,000	\$125,000	\$200,000
Public Education	\$500,000	FY '96	\$100,000	\$100,000	\$100,000	\$100,000	
Demonstration Centers	\$1,750,000	FY '96	\$50,000	\$950,000	\$250,000	\$250,000	\$250,000
<b>TOTAL</b>	<b>\$10,800,000</b>		<b>\$1,795,000</b>	<b>\$3,645,000</b>	<b>\$1,835,000</b>	<b>\$1,770,000</b>	<b>\$1,755,000</b>

\* Revolving loan fund will start with \$1,000,000 in initial investment over two years and will be self sustaining thereafter.

\*\* Funding could be added into current DFA programs

# Proposed Aquaculture Framework



## Chapter II

### PRIORITY RECOMMENDATIONS

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The following recommendations reinforce recommendations made by several of the Working Groups and reflect the priority actions needed to "jump start" the aquaculture industry in Massachusetts. The first six recommendations should be considered overarching, in that they address issues which are fundamental to coordinated support for aquaculture. The priority recommendations should not take away from the importance of the recommendations found in the individual chapters. In many cases, the implementation of the specific recommendations dealing with regulatory reform, economic development and environmental review hinge on the prior implementation of the recommendations presented below. Recommendation numbers 7 - 13 address the administrative requirements necessary to support an aquaculture industry at the state level.

*Note: A (\$) next to a recommendation indicates that a new appropriation is necessary to implement the recommendation. If no (\$) is noted, it can be assumed that the recommendation can be implemented utilizing existing staff and resources. A spreadsheet of all recommendations requiring funding is provided in Graphic 3.*

#### 1. *Recommendation:*

Regulatory streamlining recommendations found in Chapter 2 should be implemented immediately. Standardized aquaculture applications which include detailed information needs and standard plan requirements should be coordinated as soon as possible. Regulatory streamlining and coordinated processing are central to the development of aquaculture. Each general type of aquaculture should require only one coordinated application.

#### 2. *Recommendation: (\$)*

In recognition of the multiple benefits of public aquaculture, the Municipal Shellfish Propagation program should be reactivated and improved. Funds should be appropriated to DMF to fund this popular program. Guidance to municipalities must ensure that propagation funds are used effectively and for appropriate purposes. Consideration should be given to incorporating the restoration of contaminated areas into this program. It is recommended that this program be administered as a matching grant program whereby the state would match town propagation budgets.

#### *Justification:*

This program had significant local support and is seen as a means for developing local support for aquaculture, both private and public. By enhancing and managing productive public shellfish beds, the recreational and commercial shellfish harvesters may not be so opposed to some privatization.

Other advantages of public aquaculture include the fostering of the public's understanding of aquaculture and the creation of opportunities for experimentation in propagation and harvesting techniques. Additional incentives for the towns to support aquaculture can be created by allowing them to use the proceeds of increased aquaculture license fees to increase the size of state match.

3. *Recommendation:* (\$)

Aquaculture staff within state and municipal government is critical to the growth of aquaculture in Massachusetts. Presently, there is virtually no full time staff in State government responsible for any aspect of aquaculture regulation or economic development. At minimum, an Aquaculture Coordinator at DFA and an Aquaculture Specialist within DFWELE are necessary to meet existing and backlogged needs.

The Aquaculture Coordinator would oversee the ACT, establish and maintain links with the regional, national and international aquaculture communities and would be responsible for implementation of the Strategic Plan. Most importantly, the Coordinator will serve as the single point of contact within the State for all existing and prospective aquaculturists. The Coordinator will actively assist all aquaculturists in identifying and complying with appropriate regulatory requirements. The Aquaculture Specialist within DFWELE is necessary to coordinate the streamlining of the regulatory review process as well as carry out required field survey and monitoring responsibilities.

4. *Recommendation:*

Any State bond monies appropriated for aquaculture purposes should be directed toward priorities identified in this Strategy. Specifically, funding for aquaculture related projects is included in the proposed Open Space Bond Bill (HB no. 5143), Seaport Bond Bill (HB no. 5127) and the Coastal Assessment Bill (SB no. 1834). Aquaculture should be included in the section of the Open Space Bond Bill known as "Linked Investment for Agriculture" which would allow state funds to be invested at lower than market rates in selected financial institutions. The savings to the financial institution could then be passed on the loan recipient.

5. *Recommendation:*

A priority of the aquaculture industry is to improve Shellfish Licensing terms to provide for more predictability and stability of licensing in an effort to improve financing potential. The existing licensing process varies significantly from town to town and leaves room for much discretion. It is recommended that a series of meetings be organized with shellfish aquaculturists, municipal licensing bodies (selectmen), shellfish constables and DMF to discuss potential changes to DMF regulations as well as municipal license administration.

6. *Recommendation:* (\$)

The state should produce a user friendly "Aquaculture Regulatory Handbook" which is easily updated. This Handbook should detail the permit requirements, review time frames, jurisdictional authorities, application fees, agency contact person, necessary application materials, and review processes for the different types of aquaculture. This handbook should be geared toward prospective aquaculturists, the finance community, and other interested parties. A related longer term recommendation is to provide this regulatory handbook in CD-Rom format.

## Agency Responsibilities

7. *Recommendation:*

An Aquaculture Coordination Team (ACT) comprised of (existing) State agency staff with expertise and responsibility for technical assistance, environmental monitoring, economic development and permitting should be established. ACT will be responsible for policy development, industry support, oversight of regulatory streamlining, and implementation of the Strategic Plan. An Aquaculture Coordinator, located at DFA should be hired to coordinate the work of ACT. The Strategic Planning process has highlighted the need for sustained inter-agency coordination and ACT would serve that purpose. An Aquaculture Advisory Group would advise ACT. Refer to Graphic 4 depicting the proposed Aquaculture Framework.

8. *Recommendation:*

An Aquaculture Advisory Group which includes representation from a broad spectrum of interests including industry, conservation groups, the financial sector, landowners, municipal representatives, and academia should be established. The Aquaculture Advisory Group would advise and guide the ACT on issues of concern. The Aquaculture Coordinator would be the liaison between ACT and the Advisory Group. This group could also establish research grant criteria and review procedures for state aquaculture research and development grant programs.

*Justification:*

State aquaculture development and management activities should be coordinated with members of the various sectors involved to assure that policy decisions and appropriations are efficiently carried out and relevant to industry development.

9. *Recommendation:* (\$)

A position should be established at DFA for an Aquaculture Coordinator. The Aquaculture Coordinator should be responsible for coordination of all state aquaculture activities, would oversee the work of the Aquaculture

Coordination Team (ACT) and be responsible for the implementation of the Strategic Plan.

10. *Recommendation:*

DMF should be the lead regulatory agency for marine aquaculture and hatcheries. DMF should be responsible for developing and administering a "one-stop" permit process which incorporates the concerns and timely review of all other relevant agencies, both state and federal.

11. *Recommendation:*

DFW should be the lead regulatory agency for inland aquaculture and hatcheries. DFW should be responsible for developing and administering a "one-stop" permit process which incorporates the concerns and timely review of all other relevant agencies, both state and federal.

12. *Recommendation:*

DFA shall be the lead agency for the promotion and marketing of aquacultured products. To the extent possible, all existing DFA promotion and marketing programs should be extended to include aquaculture.

13. *Recommendation:*

Establish an Interagency Aquaculture Permit Review Group. This group would meet as needed to discuss aquaculture proposals presently under state review. In an ongoing attempt to streamline the regulatory framework for aquaculture, this Review Group would have representation from federal and state agencies. The coordination of this group would be the responsibility of the Permitting representative who sits on the ACT.

*Justification:*

The value of interagency coordination has become apparent through the Strategic Planning process. Aquaculture, by the nature of the science and industry, does not fit squarely within any existing agency in the state. Not desiring to add another bureaucratic agency, it is recommended that the Interagency Aquaculture Permit Review Group meet on an as needed basis.

## Chapter III

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### REGULATORY REFORM

#### Introduction

The overriding mission of the Regulatory Reform Working Group (RRWG) was to identify the major regulatory issues which inhibit the development of the aquaculture industry and to propose a streamlined process which protects public and private rights and environmental quality. In order to accomplish this mission, the RRG reviewed both existing and proposed aquaculture activities in the Commonwealth.

The three major issues identified for review by the committee included regulatory coordination and streamlining, long-term security for capital investments, and state support for the aquaculture industry. These findings, and the associated recommendations, are designed to provide the short-term framework for improving aquaculture permitting. The RRG contemplates that long-term statutory amendments, consistent with the below recommendations, will also be pursued in order to effectively address the needs of the aquaculture industry.

Based on a review of applicable laws and regulations, the RRG proposes a series of recommendations which would improve the interagency coordination and management of aquaculture activities in the Commonwealth. As a relatively new industry in Massachusetts, aquaculture activities have rarely been considered in the course of statute or regulation development. As a result, the aquaculture industry faces an uncoordinated, and at times overlapping, regulatory framework for the review and permitting of aquaculture projects. In addition to the uncertain review processes affecting aquaculture, the industry is not afforded an interagency coordinated review processes or a lead state agency with adequate expertise to advise and promote the industry. This lack of a comprehensive and certain review process represents a significant impediment to the development of the aquaculture industry within the Commonwealth.

The recommendations of the RRG are designed to streamline the regulatory processes for aquaculture activities in Massachusetts. At the outset, a principal recommendation calls for the establishment of a state Aquaculture Coordinator. This position will serve a variety of critical roles. The Aquaculture Coordinator could assist the industry by providing a single point of contact for all aquaculture related issues. The Coordinator should also serve to provide educational material regarding the permit requirements, review time frames, application fees, agency contact person, necessary application materials, and review processes for the different types of aquaculture.

In order to further minimize regulatory bottlenecks in the review and permitting of aquaculture, aquaculture should be jointly coordinated by the Division of Marine Fisheries ("DMF") and the Division of Fisheries and Wildlife ("DFW"). DMF should be the lead regulatory agency for marine aquaculture and hatcheries. DFW should be the lead regulatory agency for inland aquaculture and hatcheries. Each agency should develop one-stop permit process incorporating concerns of all other relevant state and federal agencies. The Department of Food and Agriculture ("DFA") should be the lead agency for the promotion and marketing of aquaculture products.

Finally, state and federal agencies should aggressively pursue the development of general permits for aquaculture activities (inland and marine). Such "general permits" for certain classes of activities could eliminate the need for individual detailed permit processing. A project would automatically qualify for a permit if the conditions of the general permit are complied with. Projects qualifying for a general permit would still be required to apply for a permit, but the processing would be expedited. The use of general permits for aquaculture activities would greatly improve the predictability and efficiency of permitting procedures and significantly reduce permitting time. Concurrent filing will also improve coordination between the various reviewing bodies and public hearings and comment periods should be able to be coordinated.

The second issue of concern to the aquaculture industry is the long-term security of capital investments. Due to the significant capital investments associated with aquaculture, security in the duration of the lease is a major consideration. The lack of such stability in leasing intertidal and Commonwealth tidelands has proven to be a financing obstacle. Lease security is critical to the industry and involves balancing private land use with public interests in tidelands. Several recommendations are provided to clarify ownership of tidelands; terms and transferability of leases; and the role of local, state, and federal agencies in developing lease agreements.

The third principal issue addressed was the development of state support for the aquaculture industry and local shellfish managers. Specific interest was expressed for the reactivation of the Municipal Shellfish Propagation program. Shellfish aquaculture licensing fees should reflect the economic value of public tidelands, be dedicated to municipalities, and be used for public shellfish propagation and/or restoration of shellfish beds. Interest has also been expressed in DMF developing a pilot program of authorizing shellfish nurseries in restricted areas. Finally, a standardized method for reporting aquaculture production should also be developed to provide the Commonwealth and the industry with the ability to monitor the success of the industry.

The final specific recommendations of the RRWG are intended to address the following classes of aquaculture activities:

1. *Shellfish Bottom Culture*: which involves minimal structure and no discharge;

2. *Shellfish/Seaweed Water Column Culture*: consisting of more substantial structures and no discharge;
3. *Recirculating/Flowthrough Culture*: involving structures located on land and having discharges;
4. *Finfish Net Pen Culture*: which involves structures in marine waters and discharges.
5. *Projects in Federal Waters*: involving various culturing techniques and located in part or full in federal waters.

A sixth class of projects, involving pond culture, was not addressed in the present forum because pond culturing is currently being reviewed as part of the legislatively authorized Farmland Advisory Committee.

The regulatory recommendations made in this section are directed at eliminating redundant and unnecessary permit review processes. The intent of this effort was to reduce process, while improving the integrity of vigorous, but relevant environmental review. The need for efficient, but effective environmental oversight of aquaculture activities is critical not only to protect public welfare and resources, but also to ensure the continued viability of aquaculture operations.

In addition to the recommendations presented below, the most valuable outcome from the Working Group process has been an increased understanding of the existing regulatory framework for aquaculture. This improved understanding has been enlightening not only to the regulating agencies, but to the industry as well. By identifying the existing process, the Working Group was able to effectively work toward streamlining and improvement. The existing regulatory framework for the different classes of aquaculture projects is found in Appendix A.

## Recommendations

### General Regulatory

#### 14. *Recommendation:*

State agencies should work closely with the ACOE and other federal resource agencies in amending the existing Programmatic General Permit (PGP) to directly address aquaculture thresholds. Develop conditions which ensure that only the largest projects and/or those with the greatest potential impacts require review as individual permits under Sections 404 and/or 401.

*Justification:*

The existing PGP covers aquaculture indirectly, by reference to a previously established Letter of Permission (LOP). The LOP which is not included within the text of the PGP, is oriented toward shellfish culture and does not address other culturing techniques. An updated PGP could incorporate the LOP and update to include other culturing techniques.

*Implementation Approach:*

Amend the 404 PGP in coordination with the development of General NPDES permits for aquaculture (see Recommendation 28). Have MCZM then issue consistency on the PGP and DEP certify the PGP. It is estimated that this process would take between 6-9 months to finalize.

15. *Recommendation:*

State agencies should make test lease or pilot projects viable by reducing regulatory requirements and facilitating joint monitoring for predetermined periods.

*Justification:*

The permit process for aquaculture is cumbersome. By allowing pilot projects, the state can encourage experimentation with new technology, develop project specific monitoring protocols and coordinate with industry while jointly monitoring baseline data and project impacts. Knowledge gained from pilot projects will benefit regulatory agencies, the public and industry.

*Implementation Approach:*

ACT should develop an expedited permit process for pilot projects.

16. *Recommendation:*

MCZM should adopt a policy stating that aquaculture projects do not need to apply for Consistency Review unless 1.) They require an Individual permit as determined by the ACOE and/or 2.) They are sited in whole or in part in federal waters. MCZM should also draft a Program Policy which directly addresses and supports aquaculture.

*Justification:*

This will clarify and simplify MCZM's review authority over aquaculture projects. An Aquaculture Policy will provide policy guidance for Consistency Review.

*Implementation Approach:*

MCZM should develop policy in coordination with the ACOE, notice in the Environmental Monitor and publicize.

**17. *Recommendation:***

Amend DMF Chapter 130, Section 17 B to authorize the Director of Marine Fisheries to promulgate regulations concerning the siting, operation and monitoring of finfish aquaculture projects in the marine environment. DMF should be the lead agency in regulating ocean based aquaculture facilities and should develop a coordinated permit process for ocean based finfish projects which incorporates the concerns of all other relevant state and federal agencies.

*Justification:*

DMF regulations do not provide adequate guidance for the administration of finfish aquaculture licensing. There is strong desire both from industry and other regulating agencies to develop a "one-stop" permit process particularly for finfish culture.

*Implementation Approach:*

DMF should work with ACT to develop one-stop permit process.

**18. *Recommendation:***

The state should maintain and assert its position that the boundary between private tidelands and state-owned subtidal land is mean low water.

*Justification:*

Private/public ownership of tidelands in Massachusetts has a complex history and there is a need to clarify the legal boundary of state ownership. The recent Pazolt decision held that because aquaculture is more like farming than fishing, the landowners permission must be received before aquaculture is practiced on private tidelands. The precise delineation between private and public lands (i.e. mean low water or extreme low water) remains uncertain.

*Implementation Approach:*

The Executive Office of Environmental Affairs Legal Counsel and possibly the Attorney Generals' Office should coordinate with DMF, MCZM, DEM and DEP staff attorneys in searching for a case in which the delineation between public and private tidelands is the central issue, and put it before the Supreme Judicial Court of Massachusetts. In addition, counsel should review the issue of municipal propagation on private property.

**19. *Recommendation:***

The existing fee structure for the Waterways Program (Chapter 91) should be reevaluated and revised for all aquaculture operations. The fee structure should reflect the nature of the facility and some of the benefits which aquaculture provides to the public (e.g. supplementing the wild stock, cleansing the water). Fees should adequately reflect the economic value and productivity of the operation.

*Justification:*

Existing Waterways licensing regulations do not address aquaculture specifically and the existing fee structure (based on displacement) is both illogical and prohibitive for aquaculture activities. The fees charged by the state for private use of public land should reflect both the economic value of the activity and the loss of land to the public.

*Implementation Approach:*

DEP, in the course of revising Chapter 91 regulations should develop specific appraisal techniques for aquaculture activities. MCZM will assist DEP by analyzing other state aquatic land leasing processes and fee structures. See Appendix B for state leasing survey.

20. *Recommendation:*

The MEPA unit should review the adequacy of existing thresholds as they apply to aquaculture facilities. When considering these thresholds, MEPA should focus its limited resources on projects that will benefit from coordinated review and comment by both private and public interests. Additionally, this review should consider limiting MEPA jurisdiction through "limited project" general permit provisions, utilizing the categorical inclusion threshold, Memoranda of Understanding and/or developing a Generic Environmental Impact Report for aquaculture.

21. *Recommendation:*

EOEA (DEM and MCZM) should review the existing Coastal Areas of Critical Environmental Concern (ACEC's) and existing state regulations to evaluate how the ACEC designation will affect new aquaculture facilities. If it is determined that the higher regulatory standards that accompany ACEC designation will adversely affect aquaculture operations that are compatible with the ACEC, then consideration should be given to amending the relevant state regulation.

*Justification:*

Any aquaculture activity proposed within an ACEC may be required to file an Environmental Notification Form (ENF). The more stringent review standards that are triggered within an ACEC should be balanced against the benefits of aquaculture projects within the coastal zone.

*Implementation Approach:*

The relationship between the ACEC designation process, MEPA and DEP regulations and other regulations should be evaluated. DEM and MCZM should review existing coastal ACEC's and work with ACEC communities, preferably in the context of preparing ACEC resource management plans to develop recommendations for the Secretary of EOEA as to the compatibility of aquaculture projects to existing ACEC's. Longer Term - Future ACEC designations and ACEC resource management plans should specifically

reference aquaculture projects and their relationship with the ACEC and, when appropriate, include language to allow or encourage aquaculture projects.

22. *Recommendation:*

DEM should issue a policy stating that the interests of Ocean Sanctuaries regulations are presumed to be met provided that DMF, Chapter 91 and MCZM have approved or signed off on the project proposal. A longer term recommendation is for DEM to amend the existing regulations to build on the other programs as outlined above.

*Justification:*

The Ocean Sanctuaries Act and regulations specifically permit "the harvesting and propagation of fish and shellfish in all forms," so long as DEM and DMF "are satisfied that such activities are carried on in accordance with sound conservation practices" (defined as "practices designed to maintain, increase or restore existing finfish or shellfish stocks by the management of resources").

*Implementation Approach:*

DEM, in addition to writing a policy stating that their regulations are presumed to be satisfied, should be actively involved in the Interagency Aquaculture Permit Review Group.

23. *Recommendation:*

Aquaculture licenses should be subject to performance criteria set by individual towns. Such criteria or license conditions shall be valid for the term of the license. It is recommended that initial license terms should be a minimum of five years with 15 year renewals. Renewal of the license shall be authorized by the licensing authority provided that the license holder meets the performance criteria. Renewals shall also be contingent upon a determination that there have been no unacceptable adverse impacts from the initial license period.

*Justification:*

Currently, potential lenders are reluctant to finance aquaculture ventures as they have no assurance that licenses will continue beyond the initial period. The uncertainty surrounding aquaculture leases translates into risk and lack of collateral. The Steering Committee recognizes this issue to be one of the most critical to the industry as well as potentially the most controversial to local municipalities and the citizenry of the state. The issue of balancing private use with public interests will continue to need additional study and input from a variety of public and private stakeholders for both the short and long term.

*Implementation Approach:*

The Steering Committee should assist legislators in public outreach on this issue prior to any proposed resolution or change to lease terms. The duration and terms of leases or licenses of other states should be investigated to evaluate

how other states have balanced the issue of public rights with private use. Refer to state leasing survey found in Appendix B.

24. *Recommendation:*

Shellfish aquaculture licenses should be transferable during the license period with the approval of the licensing authority. Denial of transfer shall only be authorized if the performance criteria set by the town was not met.

*Justification:*

same as 23

*Implementation Approach:*

same as 23

25. *Recommendation:*

Municipalities should be given the option to preapprove areas (with DMF, DEP, Conservation Commissions, MCZM and ACOE) of its jurisdiction for aquacultural uses.

*Justification:*

Ad hoc or site by site decision-making on aquaculture licensing is time consuming and not advantageous to good management. By affording municipalities the option to pre-approve large areas of town waters for aquaculture, the municipality could have better control over long term planning. Additionally, by preapproving large areas, administrative costs and delays of individual reviews could be minimized.

*Implementation Approach:*

At the request of a municipality, DMF could survey a large section of town waters and identify areas which are non-productive and have no overarching natural resource constraints. DMF would establish criteria for pre-approving areas. Once these areas are identified, the municipality could apply to DEP and the ACOE for authorization of aquacultural activities under the jurisdiction of Chapter 91 and Section 10 respectively. The municipality would then know which area could be used for aquaculture, hold the proper authorizations and make siting decisions accordingly. Applicants would then apply to municipality only. Conservation Commissions and licensing authorities could also become involved in pre-approval utilizing resource conservation plans.

26. *Recommendation:*

The state should provide written guidance to towns regarding the legal requirements relating to the administration of shellfish licenses. This guidance should include the appropriate scope of review, relevant issues and criteria and public hearing formats.

*Justification:*

A need has been identified to establish criteria for the appropriate scope of review for shellfish licenses both for the benefit of aquaculturist and licensing bodies. This guidance is also intended to standardize administration of shellfish licensing from town to town, without compromising ultimate home rule authority.

*Implementation Approach:*

Review all municipal aquaculture licensing bylaws and statutes and develop a generic model for towns to review.

27. *Recommendation:*

WPA application should be filed concurrently with 404 Army Corps of Engineers permit applications, Section 10 (Rivers and Harbors) applications and Section 57 permit application, if required.

*Justification:*

Concurrent filing will improve coordination between the various reviewing bodies and public hearings and comment periods should be able to be coordinated. While there is currently a joint ACOE and WPA application for aquaculture projects it is still necessary for applicants to send copies separately to the ACOE and the Conservation Commission.

*Implementation Approach:*

Long Range - Consider amending the WPA regulations (310 CMR 10.00) to eliminate the need for individual permit review by creating a presumption that interests under the WPA are met provided that conditions imposed by DMF are adhered to. This will require additional coordination and conditioning between DEP, Conservation Commissions and DMF to ensure adequate protection, particularly in cases where upland access is a consideration. Coordination with municipal by-laws regulating aquaculture is also necessary.

28. *Recommendation:*

Shellfish aquaculture licensing fees paid by aquaculturists to towns should be increased to reflect their economic value and productivity. DMF should also evaluate the necessity to charge a (one time) application fee which covers the costs of surveying an area. License fees paid to municipalities should be directed to Shellfish programs for use in public shellfish propagation and/or restoration. Municipalities should provide an option to culturists to pay fees and/or provide seed for public propagation.

*Justification:*

DMF's statute (Chapter 130, section 64) currently caps shellfish aquaculture fees at \$25/acre/ per year. However, the fee varies from town to town. There is concern that there may be an imbalance between the fee paid for private use of

public land for aquaculture and the potential loss of public access to this land. The fees should be evaluated to reflect an appropriate balance. Once in place, the revenues generated should be directed to public shellfish enhancement. With enhancement of public resources, it is hoped that municipalities will likewise be encouraged to permit some level of private aquaculture.

*Implementation Approach:*

DMF should review license fees and consider adjustments. Statute should be amended to direct license revenues to Shellfish Department budgets. Refer to Appendix B for state leasing review.

29. *Recommendation:*

DMF requirements for reporting shellfish production should be improved. All reporting requirements (town and state) should be coordinated. Productivity thresholds (for keeping license) should be evaluated and increased. All reports to towns and state involving production and/or financial disclosure should be made confidential. (Amend Ch. 130, section 65)

*Justification:*

Existing reporting procedures are redundant and do not result in an accurate representation of the aquaculture industry.

*Implementation Approach:*

DMF, Massachusetts Aquaculture Association, and the Massachusetts Shellfish Officers Association should cooperatively develop a standardized reporting process and amend DMF regulations accordingly.

30. *Recommendation*

DMF should develop a pilot program of authorizing towns to lease restricted areas for use as shellfish nursery areas. Pilot projects would only be initiated at the request of and with the cooperation of, individual municipalities.

*Justification:*

Many contaminated areas are either naturally productive or have the capacity to be productive. By not allowing aquaculture for seed production, a resource is forfeited.

*Implementation Approach:*

Short term - Policy change. DMF should work with Municipal Shellfish Officers to develop procedures to allow a limited amount of leases within restricted areas. The implementation of this program should be closely tracked to evaluate the viability of expansion. Longer term - After evaluation of pilots, DMF should consider making regulatory changes to authorize this activity.

**31. *Recommendation:***

DEP and EOEA, in conjunction with the EPA, should aggressively pursue the development of NPDES general permits for aquacultural activities (inland and marine). An initial estimate of 6 - 9 months has been suggested as the time period needed to draft, public notice and publish these two permits. In order to accomplish this goal considerable effort and coordination with EOEA, EPA, Mass Aquaculture Association and interested environmental groups must be dedicated in order to complete the project.

*Justification:*

Creating "general permits" for certain classes of activities would essentially eliminate the need for individual projects to go through a detailed and individual permitting process. A project would automatically qualify for a permit if the conditions of the general permit are complied with. The overall goal is to establish a general permit that would provide adequate protection while reducing individual project review and application processing delays. A screening provision, similar to the PGP, may be an effective way to allow timely review of individual projects. A recommended approach to a screening provision is to have a reporting requirement that automatically approves the project if the state does not require an individual permit review within 21 days of receipt of the project notice.

The establishment of general NPDES permits for aquaculture activities will greatly improve the predictability and efficiency of the regulatory process and will reduce permitting time significantly.

**32. *Recommendation:***

DEP's Office of Watershed Management should issue a policy outlining the procedures for water withdrawals in brackish or saline waters from either surface or groundwater. The policy should also indicate that no individual permit is needed for salt water withdrawals from surface or groundwater.

*Justification:*

There is significant confusion among both regulators and the regulated community regarding the necessity of authorization for water withdrawals.

*Implementation Approach:*

DEP should simply issue a written policy on what types of projects require water withdrawal permits and which do not. DEP should further outline the process and requirements for projects which do require such authorization.

**33. *Recommendation:***

The state should work with the New England Fisheries Management Council (NEFMC) and other federal agencies to develop a clear and coordinated administrative process for authorizing aquaculture activities in the Exclusive Economic Zone (EEZ). MCZM Consistency Review will be linked to this

process. The state should ensure that federal regulatory processes and actions are compatible with state interests.

*Justification:*

The NEFMC has the authority to designate special management areas in the EEZ for activities such as aquaculture. There is not presently an established process for authorizing such uses despite industry interest in siting in federal waters. At least two bills are being proposed in Congress to delineate federal aquaculture responsibilities.

*Implementation Approach:*

The state should become involved in the NEFMC Aquaculture Subcommittee as well as review proposed congressional aquaculture legislation.

## Chapter IV

### ECONOMIC DEVELOPMENT AND MARKETING

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#### Aquaculture: Why the Commonwealth of Massachusetts Should Support the Development of Its Aquaculture Industry

Worldwide aquaculture is forecast to be a major growth industry into the 21st century. In response to increasingly constrained global supplies of wild finfish and shellfish and growing consumption of seafood products, aquaculture production has expanded in many regions of the United States and indeed the world. World aquaculture production (including seaweeds, finfish, mollusks and crustaceans) increased 85 percent over a nine year period from 10.4 million metric tons in 1984 to 19.3 million metric tons in 1992, at a value of \$32.5 billion (FAO 1995). Indeed, aquaculture accounted for 14 percent of global fish production in 1992, up from 8.3 percent in 1984. In the period 1984-1992, aquaculture production of finfish, mollusks and crustaceans grew at an average annual compound rate of nine percent in volume and 14 percent in value.

Based on population growth projections and a projected continued growth in seafood consumption, global seafood demand is expected to increase over 60 percent in the next 30 years (Parker 1995). Given that harvest from wild fish stocks are approaching or have exceeded maximum sustainable yields, aquaculture production will have to increase approximately 500 percent to meet global seafood demand in the year 2025 (Parker 1995).

In the U.S., due to the decline of native fish stocks and the need to diversify the economic base of many rural coastal and agricultural communities, aquaculture has expanded in many regions of the country. Aquaculture is one of the fastest growing agricultural sectors in the U.S. In fact, U.S. aquaculture production more than doubled from 308 million pounds in 1983 to nearly 716 million pounds in 1993 at a value of \$810 million (NMFS 1995). Nationwide, catfish, crawfish, and trout account for the largest share of aquaculture production, followed by baitfish, salmon, and oysters. Other domestically cultured species include mussels, shrimp, abalone, hard and soft shelled clams, ornamental fish, tilapia, sturgeon, hybrid striped bass, aquatic plants and others.

Nationwide, estimated employment and economic activity generated by the domestic aquaculture industry is substantial. According to a USDA funded study now being completed by Dr. Michael Dicks of the Department of Agricultural Economics at Oklahoma State University, estimated U.S. Employment in aquaculture production and processing is over 180,000 jobs including those associated with the transport, storage, processing , manufacturing, distribution and sales of aquaculture products (Dicks *et. al.*, forthcoming). This figure also includes employment associated with purchases of equipment, supplies, feed, seed, labor and

financing. This study also estimates that aquaculture contributes approximately \$5.6 billion to the U.S. gross domestic product (Dicks *et. al.*, forthcoming). An earlier study by the National Fisheries Education and Research Foundation (1989) found that the U. S. aquaculture industry generated approximately 230,000 full-time equivalent jobs in 1988 with associated direct and indirect economic activities of \$6.43 billion (National Fisheries Education and Research Foundation (1989).

While the aquaculture industry continues its strong growth both nationally and internationally, Massachusetts continues to lag behind in the development of its industry. The total estimated 1992 farm gate value of aquacultured products in the northeastern U.S. (West Virginia to Maine) is estimated at \$146.4 million dollars (Bush and Anderson 1993). Connecticut leads with a \$61.8 million industry in 1992 based mainly on the strength of its oyster industry. Maine is the second largest aquaculture-producing state in the region with a \$42.9 million production in 1992, primarily due to its pen-reared salmon industry. In contrast, Massachusetts produced a mere \$8 million of aquacultured products in 1992, comprising mainly hard shelled clams, oysters, trout, and hybrid striped bass. This is surprising if one considers the vast, rich, and varied coastline of the Commonwealth.

Much of the sluggishness in the growth of the aquaculture industry in Massachusetts compared to that of other states can be attributed to the myriad of regulatory barriers, a lack of government coordination in the management of aquaculture, and simply a lack of clear vision and policy regarding both marine and freshwater aquaculture. Given the uncertainty surrounding aquaculture regulations, particularly grant leasing policies, and the inherent risks in aquaculture, financing of new aquaculture ventures in Massachusetts has been difficult if not impossible to access.

The Commonwealth's interest in aquaculture development has intensified in the past year, mainly due to the declines of New England's mainstay groundfish stocks and the continuing economic hardship faced by the Massachusetts commercial fishing industry. While aquaculture development can provide some jobs for displaced fishermen and broaden the economic base of many coastal communities, aquaculture is certainly not the solution to the New England fisheries crisis. Nonetheless, aquaculture offers excellent opportunities for community economic development, jobs creation, technology development and seafood production.

Massachusetts is particularly well situated to take advantage of the opportunities in aquaculture, including seafood production as well as technology development. The state has a wealth of diverse marine and freshwater resources well suited to offshore, inshore, and land-based aquaculture. The state is also home to many world class research institutions which specialize in marine and aquatic technology and science and give Massachusetts a unique advantage in this expanding industry. The state also has a concentration of marine technology firms which are poised to profit from the growth of the aquaculture industry worldwide. Massachusetts is also strategically located to service one of the largest seafood markets in the world - the

Eastern seaboard of the United States. The state also has an immensely talented and diverse work force and an established seafood processing and distribution network ready to deliver aquaculture products to domestic and world markets.

Clearly the state of Massachusetts must seize the opportunity to foster this growth industry. The state can not continue to sit mired in a sea of regulations and policy inaction which restrict opportunities for economic development and diversification. The Task Force on Aquaculture Economic Development and Marketing believes that Massachusetts stands at a true crossroads. Stand behind and actively promote the development of a strong, diversified and environmentally sensitive aquaculture industry, or miss the boat and watch development dollars and markets go to our neighboring states and other countries.

To encourage vigorous growth and development of the aquaculture industry in Massachusetts there must first be strong leadership and commitment from the Governor of the Commonwealth, affirming that growth of the aquaculture industry is in the best interest of the state and will play a significant role in its economic future.

Furthermore, the state needs to develop a coordinated approach to aquaculture development and regulation. Central to this effort must be the creation of an aquaculture coordinator position to promote aquaculture in the state and coordinate the various state agencies and other entities involved in regulation and support. Currently aquaculture regulation is scattered across a myriad of state agencies and individual towns. The need for coordination is not only clear, it is absolutely critical. Review of the successful aquaculture programs in other states is testimony to the key role of aquaculture coordination.

Equally important to the Governor's leadership and aquaculture coordination is the dire need for regulatory reform. The current aquaculture permitting process is lengthy, costly, and complicated and discourages financial investment. In order for any growth in the industry to take place, overhauling and streamlining of the regulatory process must be the top priority. Until the regulatory process is improved, little industry development is likely. The State should also push for the development of federal policies permitting aquaculture in offshore waters, an area of significant economic opportunity as offshore technologies come on line. Massachusetts has a distinct advantage in the field of offshore aquaculture technology given the concentration of marine science and technology research institutions and firms in the state.

The state must also act to provide this fledgling industry with opportunities for start-up capital, research and development funds, marketing and promotion support, and education and training. These efforts must take an industry-up approach rather than a government-down approach, whereby the state uses industry expertise and experience to help it identify germane areas of applied research that will actively promote the development of the state's aquaculture industry.

Likewise, the industry can help guide and develop useful financing programs, appropriate education programs, and effective marketing and promotion efforts.

The state, by working cooperatively with the industry, can have an enormously positive impact on the development of aquaculture in Massachusetts. The passage of comprehensive aquaculture legislation - addressing the concerns raised by the Task Force, including state coordination of aquaculture development and management, access to capital for aquaculture entrepreneurs, dedication of research and development funds, reform of the regulatory environment, creation of education and training programs at the secondary, vocational and university levels, and adequate marketing and promotion support - is the top priority. Aquaculture offers significant opportunities in community economic development, job creation, technology development, and food production. The Commonwealth, through swift and decisive action outlined in the following recommendations, can capitalize upon these opportunities.

## **Constraints to Growth**

### *Aquaculture Coordination*

The development and regulation of aquaculture in Massachusetts is currently spread over a myriad of agencies with little coordination among them. This has resulted in not only a complicated regulatory environment, but one that has been generally unsupportive of aquaculture development in the state. The state is clearly in need of a coordinated approach to aquaculture development and we see the creation of an aquaculture coordinator position along with the Aquaculture Advisory Group as the cornerstones of coordinated industry development. This approach has been used very successfully in most other states, as exemplified by the National Association of State Aquaculture Coordinators.

### *Obstacles to Financing*

The rapidly growing domestic and international aquaculture industry offers great benefits to the Commonwealth of Massachusetts through increased employment opportunities and job creation in the industrial sector including new and traditional spin-off industries that support aquaculture and seafood manufacturing. Spin-off opportunities include feed production, transportation, equipment manufacturing (pumps, cages, veterinarian services, nets, boats, etc.), processing, packaging, electronic monitoring and others.

A chief force propelling the growth of the aquaculture industry has been the declining supplies of many of our principal wild fish stocks. Other factors have been the demand for year round supplies and consistent quality and appearance. In spite of many industry growth indicators, the finance community has been reluctant to support its development. The reluctance is based on a daunting regulatory environment and a lack of information concerning what factors contribute to a successful aquaculture operation. Consequently, start-up capital is difficult to access,

and there has been little investment in technology that would reduce capital equipment costs.

The availability of information for the finance community on technology, market conditions and production costs would allow a more accurate assessment of risk and the securing of financial support for aquaculture development. Economic models for successful aquaculture operations would further contribute to improved perceptions of aquaculture among the finance community.

#### *Lack of Marketing and Promotion Support*

Product marketing and promotion are key to the success of any business, and aquaculture is no exception. As aquaculture of many species is relatively new to the state and the region, consumers are not familiar with the business nor its products. Local opposition to aquaculture development often stems from a misunderstanding of aquaculture operations. Aquaculture products, having been farmed under controlled conditions, possess unique product characteristics that can be used in their promotion. Expansion of the aquaculture industry in Massachusetts will not proceed smoothly unless the public understands the nature of aquaculture and is aware of the many benefits of aquaculture to their local communities and the state. There is a clear need for state public education programs regarding aquaculture - how it works and what its benefits are. The state can also capitalize upon the favorable image of New England seafood and the promotion of its aquaculture products can stimulate demand in the state, region, nation and around the world.

#### *Regulatory Barriers to Marketing and Product Development*

Currently there are many state regulations which hamper not only the development of aquaculture but also the marketing of aquaculture products. Some of these regulations set size restrictions based on those that pertain to the wild fisheries. One of the key advantages of aquaculture is the ability to harvest at a size which is most economically efficient and most profitable in the marketplace. Inappropriate size restriction placed on cultured products results in loss of revenue and an increased risk on the part of the aquaculturist who must hold live product longer than is desirable. Other regulations restrict the availability of fish and shellfish for stocking, broodstock and research. All of these restrictions result in higher costs to the aquaculturists, fewer marketing options and in certain cases, higher production risks. The state should actively review and revise some of their current fisheries regulations to allow for flexible aquaculture development and marketing while assuring the protection of its wild fish stocks.

#### *Aquaculture Technology*

The aquaculture industry is not limited solely to companies that produce finfish, shellfish and aquatic plants. When the industry is considered in a broader sense, it can include individuals and firms involved in research and development (R&D) and the marketing of technologies such as sensory instruments, growout system (pens, tanks, etc.) disease identification and control methods, feeding and breeding methods and environmental controls.

Massachusetts marine technology firms, universities and marine research institutions possess world class capabilities, and Massachusetts is indeed poised to capitalize on this in-house source of expertise. These capabilities can be coordinated to focus on technological problems in aquaculture to reduce the investment risks and improve the efficiency of production. State investment in technology research and development will also foster the development of the marine technology industry in Massachusetts, a sector with excellent growth potential to service the expanding aquaculture industry worldwide.

Currently, there are several bills before the Legislature that would authorize significant levels of funding to enhance aquaculture R&D. However, the proposed legislation appears to allocate funds in advance for specific R&D projects. Although identification of general categories of technological problems seems appropriate, a policy of "picking winners" through legislation is not. General research areas must be carefully identified according to state needs, and grants must be awarded on a competitive, peer-reviewed basis.

**Aquaculture Education in Massachusetts: Current Situation and Opportunities**  
Education and training are necessary for the growth of aquaculture in Massachusetts. The state must take the initiative in the formation of these programs. Foreign countries and U.S. states leading in aquaculture have implemented comprehensive education programs including university degree programs, vocational training, extension services, and public/private education, research, and development activities. Hawaii, Florida, Maine and other leading states have integrated public university systems with industry directed research, extension services and degree aquaculture programs.

There are presently very few opportunities for aquaculture training and education in Massachusetts (see attached survey). Existing private aquaculturists generally rely on other aquaculturists and limited assistance from UMASS cooperative extension service and regional organizations such as the Northeast Regional Aquaculture Center, Sea Grant, and out of state universities.

Technical education will increase the success rate of start-up aquaculture ventures. Successful start-ups are critical for financial support to the industry. Extension service can provide necessary technical assistance to aquaculture operations, reducing the failure rate of start-ups, increasing production and mitigating losses from disease, predators, and other risk factors.

There are presently no degree granting institutions with aquaculture programs in the state, and there is very limited application of aquaculture education at other levels. Formal education programs combined with industry driven research have proven beneficial to aquaculture development in other states. Aquaculture education programs in secondary schools and vocational-technical schools can easily be integrated into the state's cross curriculum initiative. Biology, chemistry,

engineering, business and writing skills are all necessary components to the multi-disciplinary field of aquaculture. Regional training centers specific to aquaculture could provide training to prospective aquaculture teachers.

Public education programs can generate the public support necessary for aquaculture to develop in the state. The public is generally uninformed regarding aquaculture operations and benefits. This lack of knowledge results in a negative attitude and a public perception of aquaculture as detrimental. With home rule in Massachusetts, local communities control coastal aquaculture. Positive public support is needed for expansion of all (inland, coastal & offshore) aquaculture. Public/private aquaculture projects can be very effective in the development of the private and public (enhancement) aquaculture industry in Massachusetts. Private involvement insures cost efficient and industry relative projects. Public involvement ensures public benefit, consistency with other projects, and a broad overview. (i.e., water quality monitoring & remediation, habitat restoration, population stability. Information transfer is critical to the success of all aquaculture.)

## Recommendations

The following recommendations represent the economic initiatives necessary to make Massachusetts competitive in the regional, national and international aquaculture market. Recommendations requiring funding have a (\$) next to them. Funding levels for each recommendation can be found on Graphic 3. Graphic 3 also indicates the prioritization of the recommendations requiring funding.

### 34. *Recommendation:* (\$)

The state should establish an Aquaculture Revolving Loan Fund providing up to \$25,000 for aquaculture start-up capital and requiring a 50/50 match. If the loan is for bricks and mortar, with no operating expenses, provide an 80/20 match for up to 70 percent of costs.

#### *Justification:*

The private finance community looks upon private aquaculture with interested skepticism. State funding of a revolving loan fund could serve to leverage private capital. There is a direct correlation between states with growing aquaculture industries and direct state funded support.

#### *Implementation Approach:*

Create lending criteria and an oversight committee or board of directors to advise with expertise from industry, academia, finance and other government entities. Legislative appropriation may be necessary. Note that this fund could be included as part of a comprehensive natural resource financing legislation that is presently being considered.

35. *Recommendation:*

DFA should expand its existing agriculture marketing and distribution programs to include aquaculture. Specifically, DFA should develop/expand the following programs: work with area restaurants, chefs and supermarkets to showcase Mass. aquaculture products; track information on domestic seafood markets and international trade opportunities (see Appendix C for an excellent example from the Maryland Aquaculture office.); coordinate with the Governor's Seafood Task Force in their development of fishery product promotion; and incorporate Massachusetts aquaculture products into the DFA Fresh Connection promotion program.

*Justification:*

Many of these programs are already established and would require minimal effort to expand to include aquaculture products.

36. *Recommendation: (\$)*

Provide funding to subsidize participation in the Boston Seafood Show, currently the premier seafood trade show in the U.S.. The Massachusetts seafood industry could have a "Massachusetts Ave." block of booths similar to Maine's successful "Maine Street" promotion of Maine seafood companies. Also provide funding for promotion of MA aquaculture products at local seafood festivals such as those in Gloucester and New Bedford, as well as the Harvest Festival in Cambridge.

*Justification:*

A display at the Boston Seafood Show would promote not only MA aquaculture products but other MA seafood products and an overall positive image of Massachusetts seafood.

37. *Recommendation: (\$)*

Establish a grants program or incentive program for secondary schools to implement aquaculture curriculum and small scale aquaculture facilities. Emphasize aquaculture in the state's cross curriculum goals for secondary schools.

*Justification:*

Curriculum is available from other states and can easily be transferred to Massachusetts schools. Small scale, hands-on facilities are vital to the education effort. Freshwater recirculating systems are the most cost efficient for this type of basic training. Vocational schools should be given priority in this program. For those schools unable to establish a hands on program assistance should be provided for some cooperation with local vocational school and/or exposure to other aquaculture operations and regional demonstration centers.

38. *Recommendation:* (\$)

The Commonwealth should sponsor a seminar for the finance community to acquaint them with the various forms of aquaculture possible in Massachusetts. In addition, the aquaculture coordinator should work to inform the public/private finance community about industry developments and successful models in order to encourage lending. The coordinator should also work with local communities to encourage aquaculture as an element of community economic development planning.

*Justification:*

Many key and interested bankers and investors in the Northeast have been or would like to be involved in investing in or lending to the aquaculture industry, whether inshore, offshore or land-based. One obstacle that the finance community must overcome is a general lack of information about the nature of the aquaculture industry.

*Implementation Approach:*

Regularly scheduled seminars, distribution of printed materials and video production to focus on economic benefits to state and local communities.

39. *Recommendation:* (\$)

Develop a public relations campaign designed to enlighten citizens about what aquaculture is, how it works and the importance and benefits of the industry. This may involve the development of videos, print material and posters. Point-of-purchase materials should be distributed to retail outlets.

*Justification:*

There is a need to educate the general public regarding all aspects of aquaculture in order to generate public support for the aquaculture industry and market demand for its products.

40. *Recommendation:*

Allow finfish growers to sell their products at below the minimum size set by regulations governing the wild fisheries.

*Justification:*

There are significant markets for these products, particularly in the market for live fish, and proper documentation such as tracking numbers and duplicate invoices should assure the protection of the wild fish stocks.

41. *Recommendation:*

Consider developing a limited access, quota controlled fishery for elvers (juvenile eels) to provide stock for Massachusetts aquaculture operations. Elvers would be allowed to be harvested and sold only in the state of Massachusetts for aquaculture in Massachusetts only.

*Justification:*

Techniques for hatching elvers from adult eel eggs is not yet known; hence the aquaculture industry must rely on wild caught elvers for their stock. Currently elvers sell approximately \$200-450 per pound in Maine. If aquaculturists held the elvers for growout to adults, assuming normal growout and typical mortality, the value of one pound of elvers grown to adult size would amount to an estimated \$30,000.

42. *Recommendation:*

Allow a limited number of special permits for collection of highly regulated species such as striped bass, white perch, yellow perch, sturgeon, largemouth bass and others for aquaculture broodstock and research.

*Justification:*

There may be significant opportunities in the aquaculture of many alternative species. However, aquaculturists and other researchers need a limited number of wild fish in order to research the possibilities.

43. *Recommendation:*

Reassess the current restrictions on the culture of non-native species to Massachusetts. Develop a set of protocols that would allow the culture of non-native species in alternative growing systems. Industry should prioritize species of interest and a risk assessment should be performed on high priority species.

*Justification:*

There are significant opportunities in the culture of many species that are not native to the state. The state, before closing the door to these opportunities, should at least analyze the risks. If the risks are found to be acceptable, aquaculture of those species should be allowed.

44. *Recommendation:*

The MA Division of Marine Fisheries should develop a written policy concerning acceptable sources for shellfish seed for aquacultural purposes, including the importation of seed from other states. The protocol of the Atlantic States Marine Fishery Commission regarding interstate shipment of seed should be used as guidance.

*Justification:*

Currently DMF does not allow the importation of shellfish seed from hatcheries outside of the region, and there is some confusion concerning the certification process a hatchery must follow to become certified by DMF. Since the Massachusetts shellfish aquaculture industry is presently limited by seed availability, this recommendation should result in improved access to hatchery seed sources.

45. *Recommendation:* (\$)

Fund a non-government organization to conduct an annual survey of the Massachusetts aquaculture industry. Information to be gathered in the survey would include annual production and value figures, employment, future expectations, current constraints to the industry, etc.

*Justification:*

This information is critical to the tracking of industry development, the marketing of products and the documentation of the value of the industry to the state of Massachusetts.

46. *Recommendation:* (\$)

Establish a competitive grant program to foster research and development. Funds should be allocated to aquaculture R&D projects through a peer-reviewed, competitive process and on the basis of Commonwealth and industry needs. Identification of R&D grant criteria will be set by the Aquaculture Advisory Group and funds will be administered by an appropriate state agency.

*Justification:*

Basic and applied research is needed to identify appropriate species for culture in Massachusetts and to develop efficient and economic technologies. There will be ongoing research needed in these areas as well as areas such as disease prevention, feed efficiency, hatchery techniques, environmental impacts, etc. Few private firms have the expertise or funds to conduct this typically costly research and thus rely upon publicly funded research.

47. *Recommendation:* (\$)

Fund on a competitive basis an industry based and driven research and innovation center such as the newly established Massachusetts Aquaculture Innovation Center (MAIC). Modeled after the successful Maine Aquaculture Innovation Center, the MAIC should be a state assisted, but industry-driven research and development center. (The MAIC is presently an organization with a board of directors. There is no physical "center" at this time.)

*Justification:*

Organizations such as the MAIC will facilitate and expand cooperative efforts between industry and the research community while acting as an information transfer source. This approach has proven itself to be very responsive to industry needs while maintaining a balanced representation from government, academia and industry.

48. *Recommendation:*  
Earmark existing state programs and funding that can be redirected towards aquaculture training, education, and extension at secondary, vocational, and college levels.

*Justification:*  
There are likely to be several existing state education programs and funding sources which could be directed to include aquaculture training and education. Prior to the implementation of this recommendation, consideration must be given to the availability of aquaculture jobs.

49. *Recommendation:*  
Recommend that the Governor appoint a member to the Fish and Wildlife Advisory Board who has experience in the aquaculture field the next time a position on the board is open.

50. *Recommendation: (\$)*  
The state should provide aquaculture extension services. Through the state university/college system, establish two extension agents, one specializing in freshwater aquaculture and one in marine aquaculture.

*Justification:*  
Extension agents, using university and regional demonstration center resources, can provide training and assistance to the industry.

51. *Recommendation: (\$)*  
Develop a Massachusetts-Grown Seal to be put on packaging to promote MA aquaculture products.

*Justification:*  
A Massachusetts-Grown seal will promote Massachusetts aquaculture products and the Massachusetts seafood image.

52. *Recommendation: (\$)*  
Establish an internet bulletin board or homepage which would post MA aquaculture products availability and prices. This could be partially funded by fees to businesses using the service.

*Justification:*  
An internet bulletin board is a potentially efficient and highly effective means of promoting the awareness and availability of Massachusetts aquaculture products to a wide variety of domestic and international buyers.

53. *Recommendation*

Initiate study of agriculture cooperatives and how they could be applied to aquaculture in MA. Currently there is not a critical mass of businesses nor a marketing logjam to warrant the establishment of a cooperative.

*Justification:*

As the aquaculture industry expands in the state, the industry may benefit from management, marketing, and other support services that a cooperative can offer at a lower cost than if left to an individual firm.

54. *Recommendation: (\$)*

Develop a buyers guide to MA aquaculture products to be distributed locally, regionally, and nationally.

*Justification:*

There is a need to attract and educate buyers about MA aquaculture products.

55. *Recommendation:*

Provide marketing seminars to growers to inform them of alternative marketing options for their products.

*Justification:*

Growers can capitalize on the unique characteristics of aquaculture products if they are better informed about marketing options.

56. *Recommendation (\$)*

Appropriate funds for aquaculture degree programs at universities and colleges. Massachusetts universities/colleges should develop coordinated programs with each institution specializing in one or two particular areas. The curriculum exists in other university systems both in the U.S. and abroad. Suggested areas of focus include: shellfish, marine finfish, crustaceans, aquatic plants, freshwater finfish, disease and veterinary studies, engineering, and technology. All programs should include business, sales and marketing, and technology. The universities could also act as regional training centers to offer teacher training in aquaculture.

*Justification:*

Critical to the successful implementation of any aquaculture program is education and training.

57. *Recommendation: (\$)*

Establish a grants program available to community organizations to design and implement public aquaculture education programs.

*Justification:*

Aquaculture development in Massachusetts requires community level programs. Raising the public's awareness of the benefits of aquaculture is critical to success. Community organizations can tailor specific public education programs to their particular conditions. Model programs include Nantucket where private aquaculture is being developed in conjunction with public fisheries enhancement programs. The program includes water quality monitoring through educational programs for local students and the general public. In Westport, students and other local organizations collect scallop spat for enhancement. Involvement of the local community generates support for aquaculture development.

58. *Recommendation: (\$)*

Establish regional aquaculture information/training demonstration centers which are state/private partnerships and locally operated.

*Justification:*

These demonstration centers will provide the infrastructure necessary for aquaculture development. The centers should be based upon a commercial level aquaculture operation to provide funding for operations. This will promote relevant training, practical research and development opportunities, and offer facilities to commercial operators for research and development activities. As demonstration centers, these facilities will play the important role of introducing the public to physical aquaculture operations. They will provide training to prospective aquaculturists, teachers, and students.

59. *Recommendation: (\$)*

Establish a grants program to design and implement public/private programs which combine public enhancement and private aquaculture development. For example, on Nantucket, the Nantucket Research and Education Foundation and future private aquaculturists (aquaculturists in training) provide labor and expertise to the town for Nantucket's public enhancement program. In return, the town allows use of areas normally closed to private aquaculture for nursery operations.

*Justification:*

This cooperation increased benefits to both public and private operations. The private sector is much more efficient at operating aquaculture programs whether for profit or enhancement. The program has also increased water quality monitoring activities for the entire island. This same model can be used for freshwater resources.

## Chapter V

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### ENVIRONMENTAL REVIEW

#### Introduction

Aquaculture is a relatively new and promising industry in Massachusetts, therefore it stands to reason that communities as well as individuals are concerned about proposals for its promotion. Water quality is frequently a prominent concern when aquaculture facility siting options are discussed. The problems posed by competing uses such as marine and coastal environments, as well as social considerations, such as private ownership, can be addressed in a thoughtful deliberative fashion, by incorporating good siting and environmental data into the initial stages of the decision-making process.

To assist proper siting, support aquaculture-related management and policy decisions, and ensure the long-term sustainability of this fledgling industry, the state needs to develop sound data and reliable information. The effective utilization of data will be the cornerstone for deciding fundamental issues such as, land-use patterns, and how water-based activities affect water quality and aquatic habitats in marine and coastal environments. In addition, this information is necessary to enhance the development of a balanced, comprehensive, and effective policy that will promote aquacultural enterprise.

This chapter contains the following subsections: Siting and Monitoring. While these two topics are related, siting and monitoring present different perspectives and concerns and therefore, require separate attention. The information required for siting is both site and species-specific. Conversely, monitoring is broad-based and must be consistent with a range of current and future uses and needs.

Monitoring data required to describe ambient environmental conditions of a specific fishery, at a specific site proposed for aquaculture is, different on both spatial and temporal scales from physical, chemical, and biological parameters needed to document the presence/absence of change. Several regulatory programs also govern site-selection and the on-going operations of established facilities. Siting decisions must take into account issues such as: the natural productivity of the area under consideration; proximity of wild fisheries; migratory stocks; competing uses; navigational constraints; questions of coastal access; and upstream uses. In addition, an up-and-running aquaculture facility will have to satisfy National Pollutant Discharge Elimination System (NPDES) permitting conditions according to monitoring parameters required by this well-established program. NPDES permitting, however, may not necessarily be relevant to the siting process itself.

## Siting

### General Considerations

If Massachusetts is to successfully site aquaculture facilities and promote the growth of the aquaculture industry, economic investment required for its success must incorporate sound management decisions while also protecting environmental quality. A wide array of environmental, political, economic, and social considerations affect proper siting of aquaculture projects. These practical considerations are often site, and species specific, however, general features of the state of Massachusetts, both political and geographic, must also be considered when making siting decisions.

Within the borders of Massachusetts exist two distinctly different hydrogeographic and biogeographic provinces. North of Cape Cod, water temperatures are consistently colder, especially during winter. These colder temperatures can cause problems with icing, which is a major impediment to the use of cages and other aquaculture structures. Moreover, cold water temperatures, even south of Cape Cod, can often be lethal to a wide variety aquaculture species. Conversely, summer temperatures in the Massachusetts and Cape Cod Bays, especially near-shore, are often too warm for most salmonids, the species most commonly used for finfish aquaculture in the northeast. However, south of Cape Cod, warm summer temperatures actually promote growth of certain shellfish and finfish, where cold winter waters can greatly increase culture time and consequently, costs.

In both of these areas of Massachusetts, many of the species traditionally associated with aquaculture are difficult, if not impossible, to culture profitably. Thus, the first step for any siting venture in Massachusetts coastal waters must be the generation of a detailed annual temperature profile. Any siting decision must use temperature profile information to determine the optimal temperature range for the species and systems under consideration. The responsibility of generating this profile, and incorporating the information it contains into the siting decision, needs to be clearly specified.

Equally important to the temperature profile is a description of prevailing hydrographic conditions. This information will determine the usefulness of the site for particular categories of aquacultural enterprise. Current direction and velocity, affect the delivery of plankton to filter-feeding shellfish and the elimination of wastes from systems where feeding and/or medication are required. Structural adequacy of moorings and other project deployments must be demonstrated with regard to sea-state conditions at the site.

Good water quality is a fundamental concern for siting aquaculture facilities. The water quality of most Massachusetts coastal environments is generally acceptable and capable of supporting most of the kinds of aquaculture ventures that are likely to be introduced within the state. Water quality in Massachusetts is poorest in urban estuaries and inner harbor areas. Aquaculture may be precluded in these

areas, not only because of water quality, but also because of the presence of other well established conflicting uses such as commerce and navigation.

For most, if not all, potential sites there is limited or no environmental/water quality data upon which siting and operational decisions can be made. Consequently, for all siting decisions critical information must first be generated regarding water temperature, dissolved oxygen, and pathogen and toxic contaminant concentrations. The responsibility for gathering this information also needs to be determined.

Siting for shellfish aquaculture facilities is further constrained by the fact that shellfish projects can be located only in beds classified as "approved" under the National Shellfish Sanitation Program (NSSP). This restriction limits the availability of potential shellfish aquaculture sites in near-shore environments within Massachusetts.

The experience of other states and countries which have successfully addressed problems concerning siting protocols for aquaculture facilities has been utilized in developing systems within the state. Combining the best of these collective solutions and adapting them to the state's needs, should aid the development of siting and operational monitoring systems to encourage aquaculture development.

Many aquaculture projects require a near-shore location where water and sediment quality are often most degraded by upland activities. This situation limits the potential availability of many sites in Massachusetts for successful aquaculture development. Nevertheless, there are several areas in Massachusetts which support relatively pristine conditions suitable for aquaculture. Long-term suitability, however, may be jeopardized by future pressure for development and by changing land uses. This existing and potential conflict between land and water uses is an important policy and management question. To balance the competing demands on coastal areas, successful planning for aquaculture must integrate long range land and water-use planning.

### **Specific Siting Considerations**

Siting an aquaculture facility requires evaluation of diverse kinds of information ranging from ambient water quality, to state and local regulatory concerns. The following reviews existing regulatory authority, siting criteria, and mapping as a siting tool for regulators, policy decision makers, and entrepreneurs.

The current Massachusetts regulatory scheme assigns control to local governments for the issuance of aquaculture licenses in waters and flats up to the three-mile limit. This authority however, only applies to licenses for shellfish aquaculture. To date, no comparable regulations/licenses exist for finfish aquaculture.

The succeeding siting considerations and the monitoring criteria are each discussed in accordance with the following four categories of aquacultural enterprise described in Chapter III.

1. No Structures/No Additions/No Discharges:  
Prototype, Shellfish Bottom Culture
2. Structures (Water-Based)/No Additions/No Discharges:  
Prototype, Shellfish/Seaweed Water Column Culture
3. Structures (Land-Based)/Additions/Discharges:  
Prototype, Recirculating/Flowthrough Culture
4. Structures (Water-Based)/Additions/Discharges:  
Prototype, Net-Pen Culture of Finfish

Category 5 projects, Projects in Federal Waters, can involve any of the four categories referenced above. Siting and monitoring criteria for category 5 projects, are not discussed in this section.

#### Category 1.

No Structures/No Additions/No Discharges: Prototype, Shellfish Bottom Culture

Aquaculture facilities in this category typically involve intertidal and subtidal bottom culture of shellfish. Authority granted under Massachusetts General Laws Chapter 130 (MGL Ch. 130), section 57, requires DMF to review applications to ensure site-specific shellfish culture activities, approved in via a town-issued license, will not have an undue adverse affect upon area natural resources. DMF's review begins by assessing the water quality using a sanitary survey which establishes a classification for the area such as approved, restricted, or prohibited. The primary basis for classifying shellfish growing areas is the concentration of fecal coliform bacteria counted in water samples collected from the site. If a site is classified as either prohibited or restricted, the municipality can not issue a shellfish aquaculture license.

Under (MGL Ch. 130) section 57, and as part of the current siting process, DMF is required to review the public hearing record to identify other potential problems including the presence of other productive fisheries or competing uses. A grid survey is used to assess the density of shellfish population per square foot as well as the presence of other resources at the site. DMF must also consider the presence of threatened or endangered species, such as the piping plover, their critical habitats, and seek advice on these issues from other appropriate agencies. Finally, DMF must also consider the effect of the proposed activity on current public access to shoreline habitats, as well as effects on sea grasses and other vegetative systems.

For the purpose of aquaculture facilities siting, the Army Corps of Engineer (ACOE) is concerned with environmental impacts and obstructions to navigation. To facilitate the aquaculture permitting process, the ACOE has developed thresholds regarding size and type of facility. Facilities under 10 acres, which covers most bottom shellfish operations, are subject to the ACOE Programmatic General Permit (PGP) program. Facilities over 10 acres would require submission of an individual permit application. DMF often collaborates in providing site-specific information to the ACOE regarding both of these type of permits.

Under the Wetlands Protection Act, local Conservation Commissions are authorized to review aquaculture projects proposals in tidal flats, saltmarshes and submerged lands. Conservation Commissions are required to ensure that proposed activities will not adversely affect drinking water supplies, wildlife habitat, or interfere with stormwater runoff.

#### Category 2.

Structures (Water-Based)/No Additions/No Discharges: Prototype, Shellfish/Seaweed Water Column Culture.

These operations involve using gear suspended in the water column from buoys that can be moved vertically for ease of maintenance and harvesting. This category also covers production of algae and other nonshellfish species, where feeding is not required. An Individual Permit from the ACOE is required for most subtidal, suspended, or transient facilities. Some suspended or floating shellfish culture activities are allowed under the PGP. Municipalities do not have licensing authority over these nonshellfish aquaculture operations, however Conservation Commissions do have oversight authority under the WPA.

Criteria for siting subtidal, suspended, or transient shellfish cages, are essentially the same as siting intertidal shellfish operations. These operations, however, receive a higher level of review, due to potential navigational and engineering limitations, and the potential effects aquaculture structures may have on the ambient environment and endangered species.

#### Category 3.

Structures (Land-Based)/Additions/Discharges: Prototype, Recirculating/Flowthrough Culture (Addressed elsewhere)

#### Category 4.

Structures (Water-Based)/ Additions/Discharges: Prototype, Net-Pen Culture of Finfish.

At present, no process exists within Massachusetts government to assess siting proposals for finfish aquaculture. Municipalities have no "home rule" regulatory authority with respect to finfish aquaculture as they do for shellfish aquaculture, except under the WPA.

The following basic elements are for incorporation into a aquaculture siting procedures check list:

- a. Endangered species habitats must be identified within a given distance from the proposed culture site. Gear modification or alternative site selection may be required to reduce potential adverse effects to protected species and their habitats.
- b. Issuance of a water quality certification from the Massachusetts Department of Environmental Protection must be obtained, and criteria set forth in the Clean Water Act and the Rivers and Harbors Act must be met.
- c. Applicants must provide accurate plans for pen facilities, existing resources, and current and proposed uses in the site, and in adjacent areas. These plans must, at a minimum, also include: the number, size and location of pens; a mooring plan; and, the maximum area to be utilized by pen systems.
- d. A baseline survey will be required that includes video diver survey, sediment and infauna analysis, water quality sampling, and hydrographic data collection such as current and water depth information. As part of this baseline survey, benthos must be characterized in terms of sediment structure, community structure, and basic hydrography.
- e. Water depth must be sufficient at all times to allow circulation beneath pen systems.
- f. The engineering specifications of any proposed system must be sufficient to withstand the worst expected sea state and other hydrographic parameters at the selected site. The ACOE will determine if engineering design is sufficient in its permit review process.

### **Mapping for Aquaculture in Massachusetts**

Maps are the traditional tools used to visually display information and locate and monitor the physical environment. The recent explosion in information technology now offers many more mapping formats than previously available. Maps can be customized to show the user the exact information needed for any particular use. In addition, maps can easily be revised to reflect changes to the physical and natural environment.

Use of information technology for mapping is rapidly becoming a significant management tool for ocean and coastal planning. Several marine oriented items

now under review in the Massachusetts legislature, require mapping using modern mapping tools. The Open Space and Seaport Bond bills are examples of such items, which if passed, present opportunities for funding coastal mapping initiatives. Mapping based on information technology could greatly benefit the business community, regulatory agencies involved with aquaculture, and state and municipal planners. In addition, maps and data produced could significantly enhance private support by aquaculture entrepreneurs. These maps, once developed, can guide applicants for aquaculture licenses to appropriate sites and help simplify the license application process. Regulatory officials reviewing license applications rely on standardized maps, which facilitates the recording of baseline and operational monitoring data. Planners developing and modifying zoning and land use designations in harbor areas will also benefit from the development of these maps and the accompanying coastal and marine resource data sources.

On the down side, base map preparation is costly and time consuming. Identifying users and the appropriate use specific scale is a crucial component for developing useful maps. It is important to note, that inaccuracies inherent in mapping exercises necessitate the continuance of site and field investigations, as well as long-term monitoring efforts. Field investigations that verify current baseline information and establish precise locations of crucial data and information will continue to be essential.

In Massachusetts, various agencies and organizations are engaged in the mapping of geographic data using information technology. MassGIS coordinates many of these activities among the agencies and with the state's Management Information System (MIS) efforts. Since its inception in 1985, MassGIS data base has developed in close cooperation with federal agencies, local communities, and special interest groups. MassGIS base maps have been derived from 1:25,000-scale USGS topographic maps. This scale, while efficient in terms of cost for state-wide needs, does not provide the precision, detail, or up-to-date qualities necessary for coastal and marine mapping requirements.

To promote, regulate and assist the aquaculture community, maps on a scale of plus or minus 1 m, rather than the plus or minus 10-15 m, are needed. To date, MassGIS has operated in a cost-for-services mode. An agency or outside user, orders and pays for data layers to be digitized, and then purchases customized maps. Because custom map production is time consuming, efforts using CDROM technology are currently underway at EOEA. This conversion will make the MassGIS data base more cost effective and increase accessibility to outside users, allowing the private sector to assume more of the custom map generation function for non-agency users.

Assuming passage of the Open Space Bond bill, MassGIS will begin an aggressive multi-year mapping effort to enhance the precision of the state's base map through the generation of black and white orthophoto maps. Orthophoto maps provide precise positional information which future agency mapping efforts could share. Orthophotos provide a pictorial representation over which interpretive data can be

superimposed. Stored in the existing MassGIS archives, are a number of useful layers of coastal marine data, developed by MassGIS, DFW, ELF, and MCZM. The utility of these data varies depending on their origin and their intended use.

In October 1994, the United States Department of Commerce's NOS began a multi-year shoreline mapping project to update the state's nautical charts. Results of the NOS mission will include precise delineations of the shoreline at Mean High Water (MHW) and Mean Low Water (MLW). Additionally, information about docks and piers, and other features commonly seen on a nautical chart, will be included, and incorporated into MassGIS.

MCZM is working closely with both MassGIS and NOS to unify these efforts and to develop a comprehensive and long term 1:10,000 scale coastal map series that will better meet the requirements of coastal and marine users. Phase I of this project, to be completed by September 1995, will produce rectified color aerial photographs using the NOS source data currently available. Phase II will add and refine marine jurisdictional designations to the MassGIS by Spring 1996. Phase III will produce color orthophotographs for the entire coast.

MCZM has received funding under a federal grant to establish a Marine Resources Information System. This integrated with MRGIS will collate, standardize and manipulate existing geographic information relating to ocean resources. New information layers will also be added as compatible information is gathered. MCZM is working with DMF, MassGIS and other agencies to initiate this system.

Considerable amounts of basic physical and interpreted coastal marine information still need to be acquired and/or synthesized. Data on bathymetry, navigation channels, circulation, fisheries assessments, and many other categories of essential information are needed for planning, regulating, monitoring and promoting aquaculture interests. Some of these data are already available within the scientific community. The USGS Atlantic Marine Geology Division, Woods Hole Oceanographic, the National Marine Fisheries Service, and Salem State College are merely some of the regional information sources which can be tapped. These, and other data, need to be collected, organized, and integrated into the MassGIS to improve accessibility for broader categories of coastal users.

In discussing mapping as an appropriate tool for aquacultural siting and monitoring initiatives, it is important to address the development of siting maps that would indicate favorable aquaculture conditions. Unfortunately, there are a number of drawbacks to this approach. First, there are many different species which are the subject of aquaculture, each requires different habitats, structures, etc. The volume of data that would have to be collected and digitized to display these species specific requirements would be prohibitively expensive. Second, previous siting experience suggests that maps of potential aquaculture sites can be used to prevent, rather than promote, the development of aquaculture facilities in otherwise ideal locations.

Lastly, sites can change, either subtly or drastically, over time as a result of natural or man made disasters.

Having considered these deterrents, the Working Group recommends that aquaculture-relevant maps be produced which identify areas where aquaculture would be constrained or prohibited using the following parameters:

1. Physical Characteristics

- temperature
- wind direction
- direction and velocity of currents
- maximum wave height/wave direction
- velocity overwash zones
- bathymetry
- surface water designations, such as outstanding resource waters (ORWs)
- Mean Low Water and Mean High Water (MLW, MHW)
- barrier beaches
- shoreline changes

2. Areas with Biological Management Designations

- ACECs
- endangered species and critical habitats
- identifiable nursery areas
- location of eelgrass (DEP)
- plankton density
- shellfish management areas

3. Cultural Features

- access issues
- competing uses, adjacent or at location, (land use and land cover data are available from 1972 and 1985; 1990 data completed for the Cape, and 1995, for Buzzards Bay)
- upland ownership (public vs. private)
- location of NPDES point sources (water pollution)
- navigation channels
- navigational markers with a 100' to 200' contraindication buffer (all markers in N.E.) soon to be available on disc
- dredge and disposal sites (ACOE digital data)
- shipwrecks

*Note: Many of the parameters listed above have already been or are in the process of being digitized, however, scales frequently vary.*

## Monitoring

Good water quality is an important prerequisite for successful aquaculture. Maintaining a healthy coastal environment is not only important to the organisms to be cultured at a site, but also for flora and fauna that are indigenous to the site, and to the migratory species that circulate through and around the site. Maintaining good water quality ensures a healthy valuable product will be marketed, and helps to ensure the prolonged productiveness of the area, reducing the need to develop other sites.

Maintaining good water quality, particularly in intensively developed coastal environments such as Massachusetts, requires frequent monitoring. Effective monitoring can detect changes in environmental quality that result from aquaculture operations, as well as other impacts to coastal areas. In addition, monitoring can quantify the scope and duration of environmental impacts.

Early identification of environmental degradation through a routine monitoring program permits the aquaculturist to institute minor operational changes, for example altering feeding frequency of net-pen reared finfish in order to correct an identified problem before it reaches an extreme condition. Early identification of environmental problems prevents cumulative environmental degradation and can save the grower money. When degradation reaches an extreme level, cultured organisms experience depressed growth rates, disease, and even death. A situation all growers want to avoid.

Monitoring also permits comparison of baseline values of flora and fauna already existing in the area prior to siting an aquaculture facility. This data provides useful information on the extent of impact from a single operation and possible cumulative impacts from many operations located within a single water body. In general, successful monitoring can aid growers in raising organisms at a site for long periods of time while minimizing impacts to the environment.

Healthy coastal ecosystems are characterized by a diversity of species. Change in species diversity at a particular site is commonly used as an index of environmental quality. Some aquaculture practices, such as feeding of net-pen finfish, may attract new, wild species, hence resulting in a transient increase in biodiversity. Evidence indicates, however, that over time continued inputs of food, essential nutrients, and other "contaminants", typically results in a net loss of biodiversity near an aquaculture site. Opportunistic species, such as Capitellid worms, often dominate affected sites. Changes in the abundance of sensitive indicator species may reflect initial impacts, while the total absence of indigenous benthic fauna reflects more severe degradation. Some effects on the benthic community must be expected at an *in situ* aquaculture site. However, the level and duration of such impacts need to be monitored at regular intervals to determine if the degradation is persistent, worsening, or extend beyond the immediate confines of the permitted facility. If conditions become critical, steps need to be taken to reduce impacts to the area. Such

steps could be as simple as modifying feeding frequency or the volume of feed offered to prevent unconsumed food from accumulating in benthos. Although more drastic action may sometimes be required, such as moving the entire culture system, temporarily, or perhaps permanently, to allow the area to recover.

### **Process for Defining Monitoring Protocols for Proposed Aquaculture Projects in Massachusetts**

Current aquaculture in Massachusetts is largely limited to shellfish culture in the southeastern coast, with some land-based aquaculture occurring in the western part of the state. However, when considering a process to define monitoring guidelines, the Working Group reviewed the complete spectrum of aquacultural enterprise.

The Working Group surveyed aquaculture monitoring protocols from outside the United States, in Canada, Italy, Japan, Norway, Scotland, Chile, GESAMP, and also domestically in the states of Washington, New Jersey, Connecticut, Rhode Island, and Maine. Although all were instructive, none provided a truly successful "fit" with the environmental, political, and cultural features that define marine aquaculture in Massachusetts. Particularly, the state's physical location on the boundary between two biogeographic provinces, its highly developed, intensively used coastal environment, and its long tradition of home-rule make Massachusetts truly unique.

Maine has, by northeast standards, a relatively well established aquaculture industry. The majority of Massachusetts waters are part of the Gulf of Maine system, therefore the Monitoring Subgroup relied heavily on Maine's experience. From this information a three step process to generate the data and information will need to be developed to monitor the environmental impact of aquaculture projects. This proposal, and the process it defines, must be seen as iterative, subject to continuing revision. The following is an adaptation of the Maine three-step model.

#### *Step One - Categorize the project*

Define the project using one of four possible categories (see Appendix F) to describe a continuum of potential impact on Massachusetts marine/coastal waters. These four categories are consistent with the kinds of aquaculture facilities discussed in the Regulatory Chapter and in the siting section of this chapter.

#### Category 1 Aquaculture

Applies to low-impact, bottom-culture systems where there are no structures suspended within the water column. These systems do not inhibit other individuals from using the overlying water and do not contribute extraneous additions of food or other inputs to the system. Category 1 aquaculture requires minimal baseline evaluation of the site. For example, information on traditional usage, level of productivity, and so forth are generally sufficient. Operational monitoring, (referring to long-term, continuous monitoring activities in contrast to baseline monitoring) of a category 1 projects, should not be extensive.

Operational monitoring for these types of projects can consist of an annual inspection of the site by local regulators to ensure the use of site is consistent with permit conditions. In addition, an annual report submitted to DMF should be required for each category 1 site. This report should include, at a minimum the number of seed deployed and amount of crop harvested. (Note: This information should be handled by reporting officials as proprietary information. Since reports such as these were recently ruled to be public information, confidentiality will require new legislation.)

### Category 2 Aquaculture

These projects will involve a more intensive use of the physical space, with structures suspended within the water column or intertidal zone, thereby impeding access to other individuals who might otherwise use the overlying water. No additional inputs of feed or other agents are permitted in Category 2 aquaculture sites. Baseline information required for Category 2 aquaculture efforts will include all the information required for Category 1 projects, plus an evaluation of the potential impact of the suspended structures. This evaluation shall include:

- a. A detailed design plan for the facility including concise drawings of the equipment to be deployed into the environment;
- b. A description of the proposed site including: measurements of depth; tidal current velocities, benthic habitat (including video diver survey); sediment type; submerged vegetation; and resident fauna; and
- c. Information on known uses of the proposed site by endangered species and a discussion of the potential for impacts on endangered species.

Operational monitoring at category 2 sites shall include an annual site visit and a biannual evaluation of the benthic environment within the site which includes a video diver survey. Any entanglements of protected species shall be reported within 24 hours to DMF and NMFS. In addition, an annual report of production at the aquaculture site (confidentiality maintained) shall be required. Documented in this report will be all animal entanglements and user conflicts that have occurred within the previous year.

### Category 3 Aquaculture

These operations are land-based and intensively managed facilities such as shellfish or finfish hatcheries or recirculating culture systems. Facility discharges are concentrated and remotely deployed into the environment. In considering a Category 3 culture system, regulations addressing point-source discharges are currently well established and guidelines/regulations are clearly outlined as part of the NPDES permitting process. Therefore, the Working Group felt it unnecessary to address environmental monitoring of a category 3 culture system as the system is already in place. It will be necessary, however, to ensure that the effluent from

an intensive Category 3 aquaculture system is classified as "agricultural effluent" and to apply those regulations required for the discharge of such waste effluent to all category 3 aquaculture facilities.

#### Category 4 Aquaculture

These operations represent the most intensive level of field-deployed *in situ* aquaculture and consequently demands the most intensive environmental monitoring. This category involves both structures within the water column and added inputs of organic and inorganic materials. All of the information required for the previous 3 categories of aquaculture development will be needed for a successful category 4 project. In addition, the Maine model, with appropriate adaptation to reflect unique features of Massachusetts, offers a reasonable framework for environmental monitoring of finfish aquaculture operations. (See Appendix F, Categories of Aquaculture Projects in the Commonwealth of Massachusetts.)

#### *Step Two - Develop Baseline Monitoring Guidelines*

Baseline monitoring guidelines must be developed that are consistent with the aquaculture categories established in step one. These guidelines are "time-zero" data, and are the foundation needed to assess the impacts projects may have on the ecosystem effects over time.

The baseline data established in this phase will serve as the parameters for step 3 which will detail operational monitoring guidelines. The baseline data is of critical importance, and how they are defined needs to be an integral part of the aquaculture facility permitting process. The following are questions which need to be addressed in order to develop an aquaculture permit application:

- What category of environmental impact will the proposed aquaculture site fit into?
- Given the level of intensity of culture (Categories 1 through 4) what are the potential and likely environmental impacts?
- What biological, chemical, and physical measurements are required to quantify the potential impacts?
- What are appropriate thresholds of environmental degradation?
- What are appropriate sampling frequencies?
- What laboratories (private, public or both) are needed and are available to process samples in a timely, cost-effective fashion?
- Should a private contractor, capable of doing all assessment and able to verify methods, be utilized?

- Which State agency will collect and review the data? (If DMF is designated, additional staff support with collection, diving, and photographic capabilities will be required.)
- Can start-up projects afford the baseline monitoring which must be conducted?
- How can the state fund monitoring costs? Who will pay for baseline and operational monitoring?

*Step Three - Develop Operational Monitoring Guidelines*

Operational monitoring requirements the necessary tools for the continuing evaluation of the project's impact. Operational, or on-going monitoring requirements, must also be coordinated with the other marine monitoring programs, particularly the Massachusetts Marine Monitoring Program now being developed.

Upon completion of the three activities identified above, an initial evaluation (baseline) procedure as well as a continuing monitoring program will have been designed to accommodate any aquaculture effort proposed for the Commonwealth.

## Recommendations

60. *Recommendation:*

Encourage municipalities to develop land use, harbor plans, shellfish bed management plans, resource management plans and other coastal resource related managements plans, which incorporate opportunities for public and private aquaculture as well as development of commercial and recreational fisheries.

*Justification:*

Such resource management plans will allow municipalities or cities to decide, in advance, the kinds of activities and development they wish to foster and support. Resource planning will alleviate last-minute, haphazard planning that does not allow a municipality to fully utilize its waterfront areas and resources. Natural resource planning maximizes the types of uses an area or region can support and sustain.

In general, municipalities do not have the resources required to develop these plans, although good planning can be cost effective over the long term. Therefore, any assistance, even small grants and technical assistance, provides important incentives for municipalities to proceed with the harbor planning process.

*Implementation Approach:*

This is a long-term implementation project which can be initiated immediately. Promote existing incentives for communities to develop natural resource plans for resource allocation. This outreach should be initiated when municipalities approach DMF for aquaculture surveys and should be done with assistance from DMF, MCZM and the Mass. Bays Shellfish Bed Restoration Program. Harbor planning activities can be funded, in part, through the pending Seaport Bond bill.

61. *Recommendation:*

The state should encourage the development of several (initially, small scale) aquaculture pilot projects to assist in establishing realistic siting and monitoring protocols.

*Justification:*

Experience with pilot projects will allow the recommended siting and monitoring procedures to be tried before full-scale implementation of these strategies is required. Changes will likely need to be made to the procedures based on actual field experience. Pilot projects will allow protocols to be tailored to the specific environmental conditions in Massachusetts.

*Implementation Approach:*

The Interagency Aquaculture Permit Review Group should work with all appropriate applicants in designing and assisting in the implementation of environmental monitoring plans.

62. *Recommendation:*

MASSGIS should produce a hard-copy, base map incorporating all relevant coastal features for which data are available at the most practicable scale. Maps should be available to users at field stations throughout the Commonwealth.

*Justification:*

Adequate mapping can greatly facilitate the siting of aquaculture facilities for municipalities and the state alike.

*Implementation Approach:*

MCZM has received funding and is initiating this project with the assistance of DMF, MassGIS and DEP.

63. *Recommendation:*

Adopt a three-step monitoring definition process which (1) evaluates each proposed aquaculture project in terms of its potential environmental impact and labels it accordingly (see Appendix F, Categories of Aquaculture Projects in Mass.), (2) defines, in conjunction with the permitting process, baseline data acquisition to be implemented and (3) delineates operational (long-term)

monitoring criteria, together with a regimen for their implementation, to be incorporated in the permit "order of conditions".

*Justification:*

Reliable environmental quality data are needed to adequately assess both the potential suitability of a site for an aquaculture operation and the baseline conditions against which future changes can be measured. This information is essential for agencies responsible for environmental protection and management. Aquaculturists also need these data since, in many instances, they will be investing large sums of money into operations and need to know the suitability of the site for sustained production.

*Implementation Approach:*

Requirements for generating baseline data on proposed sites should be included in the application process. It should be stated that monitoring is the responsibility of the applicant. Data, when collected, should be integrated into the Mass. Marine Monitoring Program data base.

64. *Recommendation:*

Support the Open Space Bond Bill and other dedicated sources of funding for long-term marine environmental monitoring activities.

*Justification:*

Given that environmental monitoring is a very high priority for both siting aquaculture operations and to ensure that environmental quality is adequately protected once a project is underway, a dedicated effort should be made to secure funding for marine monitoring efforts.

65. *Recommendation:*

Secure new resources for DMF (funds for new personnel, computer mapping capabilities, etc.) dedicated to support (technical assistance, regulatory responsibilities) for aquacultural enterprises.

*Justification:*

Resources of DMF staff are presently fully allocated with existing mandatory responsibilities.

66. *Recommendation*

An aquaculture application packet should be developed which includes: 1) basic background information on aquaculture in the Commonwealth, including regulations, licensing, siting requirements, operational monitoring requirements, etc., 2) a standardized application form which integrates reviews by DMF, ACOE, MDEP, local Conservation Commissions, and the Harbor Master, 3) a format for public comment at the local level, and 4) a Standard Field Survey Matrix for use by DMF field biologists during Aquaculture Surveys.

*Justification:*

A standardized form would streamline the application and permitting process and make it easier for both applicants to file for a permit and for agencies to review the application. The Field Survey Matrix will provide guidance to local Conservation Commissions during their reviews, thereby allowing a thorough and more expeditious review.

*Implementation Approach:*

The Aquaculture Coordinator should work with ACT to develop this standardized application packet as soon as possible.

67. *Recommendation:*

All siting and monitoring data collected shall use approved, performance-based methodologies and shall be consistent with and integrated into the Massachusetts Marine Monitoring Program (MMMP) currently being developed by the MCZM.

*Justification:*

The Executive Office of Environmental Affairs (EOEA) and the University of Massachusetts are collaborating in the development of a Massachusetts Marine Monitoring Program (MMMP) that is integrated with state agency monitoring activities. An integrated approach to monitoring and data management should eliminate duplicative monitoring efforts, allow for consistency in data collection and data quality and increase the utility of any data collected.

*Implementation Approach:*

Coordination should begin immediately with DMF taking the lead role.

68. *Recommendation:*

An environmental monitoring focus group should be established to provide the oversight of environmental monitoring efforts associated with aquaculture.

*Justification:*

The process of establishing and maintaining a monitoring protocol for aquaculture should be iterative with the state learning from each project.

*Implementation Approach:*

DMF and DFW should identify appropriate expertise to fulfill this recommendation.

## Chapter VI

### SUMMARY

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#### Conclusion

The lack of a cohesive aquaculture strategy, the absence of aquaculture staffing in State government and a daunting array of regulatory requirements have effectively stymied the potential for the aquaculture industry in Massachusetts to flourish. While there are other constraints to the industry, the administrative issues mentioned above are central to the success of aquaculture in this state. Without focussed, consistent State support for the industry, the aquaculture sector of our economy will continue to be small, representing a fraction of its potential.

This Strategic Plan is a critical first step toward establishing an effective and responsive administrative and regulatory framework which supports aquaculture in its many forms. The recommendations below represent the general consensus of the Working Groups and address the larger administrative needs of the industry. These recommendations, in concert with the specific regulatory, economic development and environmental review recommendations provide the underpinnings of the Strategic Plan.

#### Complete Listing of Recommendations

1. Implement regulatory streamlining. (pg. 13)
2. Reactivation of the Municipal Shellfish Propagation Program. (pg. 13)
3. Establish aquaculture positions at DFA and DFWELE. (pg. 14)
4. Bond monies should be directed to Strategic Plan priorities. (pg. 14)
5. Improve shellfish licensing terms and conditions. (pg. 14)
6. Produce "Aquaculture Regulatory Handbook". (pg. 15)
7. Establish an Aquaculture Coordination Team. (pg. 15)
8. Establish an Aquaculture Advisory Group. (pg. 15)
9. Hire an Aquaculture Coordinator at DFA. (pg. 15)
10. DMF is lead regulatory agency for marine aquaculture. (pg. 16)
11. DFW is lead regulatory agency for inland aquaculture. (pg. 16)
12. DFA is lead agency for promotion and marketing. (pg. 16)
13. Establish an Interagency Aquaculture Permit Review Group. (pg. 16)
14. Amend ACOE Programmatic General Permit. (pg. 19)
15. Encourage pilot projects. (pg. 20)
16. MCZM should clarify Consistency Review. (pg. 20)
17. DMF should promulgate regulations for finfish aquaculture. (pg. 21)
18. Maintain and assert position that the boundary between private tidelands and state-owned subtidal land in MLW. (pg. 21)

19. Chapter 91 fee structure should be reevaluated. (pg. 21)
20. MEPA should review the adequacy of existing thresholds as they apply to aquaculture. (pg. 22)
21. DEM should review ACEC program as it relates to aquaculture. (pg. 22)
22. Establish presumption that the interests of the Ocean Sanctuary Act are met if DMF, DEP and MCZM approve a project. (pg. 23)
23. Shellfish aquaculture licenses should be renewable. (pg. 23)
24. Shellfish aquaculture licenses should be transferable. (pg. 24)
25. Municipalities should be given the option to preapprove areas. (pg. 24)
26. State should provide written guidance to municipalities. (pg. 24)
27. Concurrent filing of applications is encouraged. (pg. 25)
28. Increase shellfish licensing fees. (pg. 25)
29. Improve shellfish reporting requirements. (pg. 26)
30. DMF should develop pilot leasing program for restricted areas. (pg. 26)
31. Develop NPDES general permits for aquaculture discharges. (pg. 27)
32. Develop policy on water withdrawals. (pg. 27)
33. Ensure federal-state coordination. (pg. 27)
34. Establish revolving loan fund. (pg. 35)
35. Expand existing DFA programs to include aquaculture. (pg. 36)
36. Subsidize participation in Boston Seafood Show. (pg. 36)
37. Establish curriculum grants program for secondary schools. (pg. 36)
38. State sponsorship of seminars for finance community. (pg. 37)
39. Develop a public relations campaign for aquaculture. (pg. 37)
40. Allow finfish growers to sell their products at below minimum size restrictions. (pg. 37)
41. Consider developing a limited access elver fishery. (pg. 37)
42. Allow limited number of special collection permits for broodstock. (pg. 38)
43. Reassess current restrictions of culture of non-native species. (pg. 38)
44. DMF should publish its policy concerning shellfish seed certification. (pg. 38)
45. Conduct an annual survey of Mass. aquaculture industry. (pg. 39)
46. Establish a competitive grant program to foster research and development. (pg. 39)
47. Fund a research and innovation center. (pg. 39)
48. Earmark existing funds for aquaculture training. (pg. 40)
49. Consider adding an aquaculture member to the Fish and Wildlife Advisory Board. (pg. 40)
50. The state should provide aquaculture extension services. (pg. 40)
51. Develop a Mass.- grown seal. (pg. 40)
52. Establish internet bulletin board. (pg. 40)
53. Initiate study of agriculture cooperatives. (pg. 41)
54. Develop a buyers guide to aquaculture products. (pg. 41)
55. Provide marketing seminars for growers. (pg. 41)
56. Appropriate funds for degree programs in aquaculture. (pg. 41)
57. Establish grant program for public aquaculture programs. (pg. 41)
58. Establish regional aquaculture demonstration centers. (pg. 42)
59. Establish a grants program for private/public programs. (pg. 42)

60. Encourage municipalities to include aquaculture within the context of local planning efforts. (pg. 56)
61. The state should encourage pilot projects. (pg. 57)
62. A base-map of coastal/ocean features should be developed. (pg. 57)
63. Adopt a three step environmental monitoring process. (pg. 57)
64. Support funding for long-term marine monitoring. (pg. 58)
65. Secure new resources for DMF. (pg. 58)
66. Develop an aquaculture application packet. (pg. 58)
67. All data collection should be consistent with Mass. Marine Monitoring Program. (pg. 59)
68. Establish an environmental monitoring focus group. (pg. 59)

## **GLOSSARY**

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ACEC - Area of Critical Environmental Concern

ACOE - Army Corps of Engineers (U.S.)

aquaculture - The manipulation of marine or freshwater organisms and/or their environment before eventual release, harvest, or capture; the controlled cultivation and harvest of aquatic animals and plants (USDA, 1983).

broodstock - Individual fish/shellfish used for breeding purposes.

culch - Hard material (usually broken oyster/clam/scallop shells) laid down in intertidal area to attract spat.

DFWELE - Department of Fisheries, Wildlife and Environmental Law Enforcement

DEM - Department of Environmental Management

DEP - Department of Environmental Protection

DFA - Department of Food and Agriculture

DFW - Division of Fish and Wildlife

DMF - Division of Marine Fisheries

DO - dissolve oxygen

EEZ - Exclusive Economic Zone. Marine areas under the jurisdiction of the federal government. Generally, the area between the three mile state jurisdiction and 200 miles.

ENF - Environmental Notification Form

EPA - Environmental Protection Agency

EOEA - Executive Office of Environmental Affairs

EOEcA - Executive Office of Economic Affairs

FTE - full time employee

inland aquaculture - Facilities on land, including wetlands, ponds, tanks, and enclosures used to culture marine species. Species cultured in inland facilities are

dependent upon the culturist for maintenance of water quality, food supply and waste removal.

LOP - Letter of Permission (ACOE)

MCZM - Coastal Zone Management Office

NREF - Nantucket Research and Education Foundation

NMFS - National Marine Fisheries Service

NOAA - National Oceanic and Atmospheric Administration

NOS - National Ocean Service

NPDES - National Pollutant Discharge Elimination System. Authorization to discharge into surface waters of the U.S. issued by the Environmental Protection Agency.

NSSP - National Shellfish Sanitation Program

neretic - near shore

NEFMC - New England Fisheries Management Council

marine aquaculture - Structures (trays, pens, enclosures, nets, ect.) which are located in or on unaltered marine waters.

MAA - Massachusetts Aquaculture Association

MAIC - Massachusetts Aquaculture Innovation Center

MEPA - Massachusetts Environmental Policy Act Unit

MGL - Massachusetts General Laws

MHW - Mean High Water

MLW - Mean Low Water

MMMP - Massachusetts Marine Monitoring Program

MOBD - Massachusetts Office of Business Development

PGP - Programmatic General Permit (ACOE)

therapeutants - Substances used for the remedial treatment of disease

TOC - Total Organic Carbon

WG - Working Group(s)

WPA - Wetlands Protection Act

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V. Zupo Statzione Zoologica, Naples, Italy Tel 081 583 3309

## APPENDICES

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### Appendix A: Existing Regulatory Framework

Below is a brief summary of the regulatory processes for different types of aquaculture in Massachusetts. Project specifics, including location, may result in a variation of the identified process.

#### **Shellfish Bottom Culture/No Discharge**

*This class of projects, used exclusively to grow shellfish, is characterized by low profile structures positioned directly on the substrate and includes netting, culch, nursery boxes, and rebar. This type of culture does not generally impede navigation or other uses of the area. The structures are only visible during low tide.*

*NOTE: The below order is recommended to pursue permits.*

1. Apply for shellfish aquaculture license (Ch. 130, section 57) from municipality (selectmen or city council). Plans which describe the project and proposed area shall accompany application. The governing body gives public notice and holds a hearing concerning license. License is approved or denied within 60 days of receipt of application. After local approval, DMF surveys the project area to determine that there is no adverse impact to the shellfish or other natural resources of the town. Upon DMF certification, license may be issued by the governing body.
2. A Notice of Intent is generally filed with the local Conservation Commission in compliance with the Wetlands Protection Act (WPA). After a comment period and public hearing, an Order of Conditions is issued or denied. A denial by the Conservation Commission can be appealed to the Department of Environmental Protection.
3. If the project area is privately owned tidelands, permission from the landowner is required.
4. Under the Programmatic General Permit (PGP) an application for a Section 10 permit is required from the Army Corps of Engineers (ACOE).

#### **Structure/No Discharge (shellfish/seaweed water column culture)**

*This category is the same as Shellfish Bottom Culture/No discharge and the regulatory process only differs if license is on state owned subtidal lands. This type of culture utilizes more of the water column than does bottom culture and therefore, often excludes and conflicts with more uses.*

A Chapter 91 Section 10 A permit from the harbormaster is required for use of state-owned subtidal lands.

### **Discharge/Structure**

#### **RECIRCULATING/FLOWTHROUGH/HATCHERIES**

*This category of projects is characterized by landbased facilities having water withdrawal (from any source) and discharge (to any type of water body). The precise regulatory requirements will differ depending on location and types of water bodies from which project is withdrawing and discharging water. Discharges generally consist of uneaten food inputs and feces and occasionally drug treatments and fish mortalities.*

*NOTE: The permits listed below are not in a recommended order.*

1. Existing operations are exempt from further review under the WPA (normal maintenance and improvement activities of the operation). New or expansions of existing operations that are proposed within areas subject to jurisdiction (e.g. 100 year floodplain, buffer zone to BVW or river) need a permit under the WPA and should be coordinated with Waterways (DEP). Work in the waters of the United States (including wetlands and intertidal areas) may require an ACOE authorization.
2. If the project involves pipes or headwalls located in navigable waters or below mean high water, a Waterways permit (Chapter 91) and Section 10 permit (ACOE) may be necessary. Review by DEM under the Ocean Sanctuaries Act will automatically occur as part of Waterways review.
3. Different aquaculture licenses and permits are required from both DFW and DMF depending on location, species cultured and marketing approaches.
4. A permit for withdrawal of fresh water (greater than 100,000 gallons/day average) is required from the Office of Watershed Management. No water withdrawal permit is needed from DEP Office of Watershed Management provided the withdrawal is from ocean or harbor.
5. An individual National Pollution Discharge Elimination System (NPDES) permit is required by the Environmental Protection Agency (EPA) for any discharge into fresh or salt water. This permit program is jointly administered by DEP and EPA. No NPDES is needed for discharges to municipal wastewater treatment facilities, although a sewer extension permit from DEP would be required.

*This category of projects, used primarily to raise finfish, is located in marine waters and utilizes the entire water column and surface area. Concentrated discharges from this type of culture include unconsumed food, feces, and on occasion, excess drugs and fish mortalities.*

Below is the existing process for marine finfish culture in state waters.

1. Applicants apply directly to DMF as towns have no direct authority over leasing for finfish. DMF has limited authority, it can allow culturing but not exclusive use of site.
2. Under the authority of Chapter 91, there are two options available to aquaculturists interested in leasing state owned land. An aquaculturist can either apply yearly under Section 10 A permit (obtained through harbormaster) or under Chapter 91 for a longer term lease.
3. Conservation Commissions in each municipality have review authority under the Wetlands Protection Act.
4. An individual permit (Section 10 of Rivers and Harbors Act) from the ACOE is required.
5. 401 Water quality certification and NPDES permits are currently required.
6. MCZM has the authority to exercise federal Consistency review, but because no major finfish projects have been approved, no project has undergone formal Consistency Review to date.

#### **Project located within Federal Waters**

*This class of projects are characterized by their location in federal waters which are by their nature, generally exposed and in the open ocean. Most of these projects are expected to be highly technical.*

1. The New England Fisheries Management Council has jurisdiction over fishery activities (including aquaculture) sited within the Exclusive Economic Zone (EEZ). A clear administrative process for authorizing private use of the EEZ is not yet developed.
2. Through Federal Consistency Review, the Coastal Zone Management Office can review any direct federal activity, federally funded project or federally authorized project located in the EEZ for consistency with MCZM policies.
3. Authorization from the ACOE is required.

## **Appendix B: State Submerged Land Leasing Survey**

### **ALABAMA**

Contact: Walter Tatum, Chief Biologist, Marine Resources Division  
Alabama Department of Conservation and Natural Resources  
P.O. Drawer 458  
Gulf Shores, AL 36547

Phone: (334) 968-7576  
Fax: (334) 968-7307

State leases of submerged lands for aquaculture: are only allowed for oyster culture. There is currently a leasing law, but no leases are in effect.

Submerged lands leasing process: Individuals must file an application with the Department of Conservation and Natural Resources. If the individuals requesting the lease does not own the property which they hope to use, they must secure permission of the property owner before applying for lease. Alabama Marine Resources Division would evaluate the site in terms of natural habitat and potential for aquaculture and use both factors to determine the lease fee.

Fee structure: Lease fee/acre Dependent on predicted value of product and impact on site (site specific), but the lease fee is not determined as percentage of production value. Lease fee consistent for different marine techniques, while MRD would consider the applicant's projected startup/development costs in determining appropriate lease fee. Startup fee and annual fee (renegotiated annually), independent of lease duration.

Terms of lease: No set duration or overall cap, each lease is dependent on perceived development requirements and other factors. All leases are renegotiated annually according to changes in site and other factors. Renewable, but no guaranteed renewal. Non-salable, non-transferable, non-heritable.

### **CALIFORNIA**

Contact: Bob Hulbrock, Aquaculture Coordinator  
Department of Fish and Game  
Ninth St., Rm. 1251  
Sacramento, CA 95814-2090

Tel: (916) 653-9583  
Fax: (916) 653-8256

State leases submerged lands for aquaculture.

Process for leasing submerged lands: If site is advertised by the state, it is awarded to the most qualified bidder according to his/her ability to develop, produce. If the site is identified by the applicant, which occurs more often, he/she will pay a minimum tax for the site if granted the lease. The lease fee is established with a consistent, state-wide fee.

Fee structure: Less than 10 acres....\$10/acre/year.  
10 acres or more.....\$2/acre/year.  
Startup fee paid as an application processing fee of \$500.  
Individual only pays startup fee after being assured by the state that his/her application will most likely be approved.

Terms of lease: 30 years lease with minimum development expectations. Lessee needs to show development during the first 5 years of lease. The next 25 years of the lease proceed on a less regulated basis.

Lease is renewable after 30 years if minimum production levels are maintained. Lease is not salable or transferable, but if the company is sold the lease is usually transferred by state with approval of sale, with this transferal is subject to the commission's approval. Lease is heritable.

## CONNECTICUT

Contact: John H. Volk, Director, Aquaculture Division  
Department of Agriculture  
P.O. Box 97  
Milford, CT 06460

Phone: (203) 874-2855  
Fax: (203) 783-4217

State leases submerged lands for aquaculture.

Responsible Agencies: The Department of Agriculture is responsible for all bottom culture leases. The Connecticut Department of Environmental Protection is responsible for issuing and overseeing leases which permit the lease holder to construct various structures in the intertidal water.

Process for leasing submerged lands: Applicants select their own sites which they propose in an application to the Department of Agriculture. The Department of Agriculture conducts a survey of the site and advertises the site (in legal notice form) in a local newspaper. The application procedure continues on a competitive bid basis. If the Department of Agriculture deems the site acceptable and the applicant able to maintain the site, it grants the lease.

Fee structure: The applicant pays a \$65 application fee, \$63 of which covers the cost of advertising the legal notice. The Department keeps the remaining \$2 as an application processing fee. The applicant also pays a survey fee of \$35/corner of the proposed site. The minimum bid for a site is \$2/acre/year.

Terms of lease: The applicant can apply for a lease with a minimum duration of 3 years and a maximum duration of 10 years. The applicant must submit annual reports of planting activity and production. If these reports meet the Department's production standards, the lease holder can choose to renew the lease. The lease holder can sell or transfer the lease, while he/she must pay a \$3 legal fee for the completion of this transaction.

## DELAWARE

Contact: Richard Cole, Program Manager, Division of Fisheries and Wildlife  
Department of Natural Resources and Environmental Control  
Box 1401  
Dover, DE 11901

Phone: (302)739-4782  
Fax: (302)739-6780

Delaware leases submerged lands for aquaculture.

**Process for leasing submerged lands:** Between January 1 and March 15, an individual can propose a site or apply in response to the DFW's advertisement for shellfish grounds. If more than one individual applies for the same site, the applicant who offers the highest bid continues through the application process. The applicant pays a fee for the survey of the site, which the DFW conducts. If the results of the survey are acceptable, the DFW grants the lease.

**Fee structure:** The state designates plots ranging in size from 50-100 acres as available for leasing. There is no application fee, but there is a site survey fee of \$17.50/corner. The minimum annual fee for Delaware residents is \$.90/acre/year and for non-Delaware residents is \$11.50/acre/year.

**Terms of lease:** The lease is granted and renewed on a yearly basis. The lease holder is guaranteed renewal of the lease each year so long as he/she pays the required lease fee and submits the required annual report. This annual report offers a summary of the previous year's production levels and physical changes on the site. The lease is salable and transferable.

## FLORIDA

Contact: Wanda Prentis, Bureau of Marine Resources, Regulation and Development  
Department of Environmental Protection  
Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard MS #205  
Tallahassee, FL 32399-3000

Phone: (904) 488-5471  
Fax: (904) 922-6398

Florida leases submerged lands for aquaculture.

**Process for leasing submerged lands:** DEP issues a public notice about site being offered by the state or proposed by a prospective aquaculturist. The highest bidder applies to the DEP and pays a survey fee. The survey and application are evaluated and the lease is granted or denied depending on the evaluations.

**Fee structure:** Startup fees: Application fee= \$200. Survey fee= \$100/acre for shellfish and \$500/acre for live rock culture, reduced to \$10/acre and \$50/acre, respectively, if site is state owned.

Annual fees: of \$50/acre for shellfish and \$100/acre for live rock culture, increased to \$100/acre and \$200/acre, respectively, beyond the fifth year of the lease. If the lease fee is determined on a competitive bid basis, the annual fee will equal the highest bid for each of the first five years, beyond which the annual fee will double.

**Terms of lease:** Generally, there is a 5 acre maximum for clam leases and a 10 acre maximum for oyster leases, although applicants can receive exemptions from these limits if they prove themselves capable of managing a larger site than the maximum allowed. The original lease is granted for a period of time not to exceed 10 years. Leases are renewable and transferable with the permission of the Division of Marine Resources.

## GEORGIA

Contact: Brad Williams, Environmental Health Program Manager  
Georgia Department of Natural Resources  
1 Conservation Way  
Brunswick, GA 31523

Phone: (912) 264-7218  
Fax: (912) 262-3143

Georgia lease submerged lands for aquaculture.

Process for leasing submerged lands: (1) Individual applies for the lease by writing a letter to the DNR, (2) the DNR advertises the proposed lease site for 2 weeks, (3) the application procedure continues on a sealed bid basis, (4) the DNR considers the various bids and the bidders' management plans/abilities in order to determine who would be most able to cultivate shellfish on the site.

Fee structure: The lease fee is a function of the lease holder's on-site production of shellfish. The lease holder pays to the DNR a set amount of money for each bushel harvested. The share of production which goes towards the DNR varies between different sites.

Terms of lease: The original lease is granted for a 5 year period. At the end of the first 5 year period, the lease holder has the option of renewing his/her lease at ten year increments as long as his/her monthly production reports satisfy the DNR's expectations. Leases are transferable with the DNR's authorization.

#### LOUISIANA

Contact: Ron Dugas, Oyster Program Manager  
Louisiana Department of Wildlife and Fisheries  
1600 Canal St.  
New Orleans, LA 70130

Phone: (504) 568-5678  
Fax: (504) 568-2048

Louisiana leases submerged lands for aquaculture.

Process for leasing submerged lands: Individual proposes site in an application to the DWF. The individual must pay a survey fee to the DFW. If the DFW deems the results of the survey to be acceptable, the Secretary of the DFW signs the lease and it is granted to the applicant.

Fee structure: The individual pays a survey fee to the DFW as part of his/her application. The survey fee varies according to the size of the proposed site and its number of corners. If the applicant chooses to hire a private surveyor rather than rely upon the DFW to conduct the survey, he/she is refunded 80% of the survey fee. The individual pays an annual fee of \$2/acre.

Terms of lease: The DFW grants leases for a period of 15 years. Leases are renewable as long as the lease holder pays the annual lease fee and reports annually on his/her aquaculture activities.

#### MAINE

Contact: Ken Honey, Aquaculture Administrator  
Department of Marine Resources  
McKnown Point Rd.  
West Booth Bay Harbor, ME 04575

Phone: (207) 633-9500  
Fax: (207) 633-7109

Maine leases submerged lands for aquaculture.

**Process for leasing submerged lands:** Individual files application with the DMR who does an environmental impact study on site. After DMR receives this report there is a public hearing. The application is either denied or the lease is granted to the applicant. The original application filed with DMR is actually a multi-agency application (to be reviewed by agencies including ACOE), while these other agencies tend to go along with DMR's approval/denial of the lease.

**Fee structure:** Startup fees include application fees: \$100 for less than 1 acre, \$250 for 1-10 acres, \$500 for 11-50 acres, and \$1000 for 51-100 acres. There is also a site insurance fee of \$500-1000 in case of harm to the site by the aquaculturist. The actual lease fee is \$50/acre/year.

**Terms of lease:** Leases are available for up to 10 years and are renewable, alienable and transferable. The renewal process includes public notification of renewal in case there are any objections to continuing aquaculture at the given site. Since the vast majority of leases are held by corporations and companies rather than individuals, leases heritability is not a real issue.

## MARYLAND

Contact: Ben Florence, Director of Hatcheries and Aquaculture  
Fisheries Division  
Maryland Department of Natural Resources  
5580 Taylor Ave.  
Annapolis, MD 21401

Phone: (410) 974-3733

Fax: (410) 974-2600

Maryland leases submerged lands for aquaculture.

**Process for leasing submerged lands:** (1) Individual advertises site, (2) DNR evaluates site, (3) interested parties apply.

**Fee structure:** Startup fee is \$300 survey fee as part of application process.  
Bottom aquaculture is \$3.50/acre/year. Water column is \$80/acre/year.

**Terms of lease:** 15-20 year lease, annual fee. Renewable depending on evidence of development.  
Heritable, but not salable or transferable. No corporate ownership allowed.

## NEW HAMPSHIRE

Contact: Nancy Gerard, Counsel  
New Hampshire Fish and Game  
2 Hazen Dr.  
Concord, NH 03301

Phone: (603) 271-3511

Fax: (603) 271-1438

New Hampshire leases submerged lands for aquaculture: and has new regulations regarding this, but does not have any active leases.

**Process for leasing submerged lands:** Rather complex: divided between applying to the Governor's Council for a land lease (written into state constitution) and applying the NHFG for an aquaculture permit.

Fee structure: Bottom culture: \$200/acre/year, suspended culture: \$500/acre/year, pen culture: \$750/acre/year.

Terms of lease: Leases are granted on a 1 year basis, while individuals who plan to renew are required to submit a 5 year schedule for development, production. Permits are renewable, but not salable. Permits are transferable and heritable but the lease is only effective for the remainder of the year-long period.

## NEW YORK

Contact: Dick Fox, Aquaculture Specialist  
Department of Environmental Conservation

Phone: (516) 444-0438  
Fax: (516) 444-0434

New York leases submerged lands for aquaculture, legally speaking, but there haven't been any new leases of state lands in decades, and last lease of municipal land was revoked eight years ago. Aquaculture has met very strong resistance from the fishing community.

Process for leasing submerged lands: (1) Lease application, (2) Request for DEC analysis of site, (3) Notice of bid posted, (4) lease awarded to highest bidder.

Fee structure: Applicant pays a fee designed to cover the state's survey of the site. Lessee required to post bond equal to the projected lease fee for the duration of the lease, which will be withheld and the lease revoked if the lessee fails to make the annual payment. Lease minimum of \$1/acre, otherwise determined by the highest bid offered at public auction.

Terms of lease: 10 year lease period with a 50 acre minimum, which renewable within 90 days after expiration, and transferable after the first 5 years of lease. Dick Fox and others have tried to have reduced the minimum acreage requirement with near success in recent years, but motions have been defeated by the very vocal, anti-aquaculture segments of the fishing community.

## NORTH CAROLINA

Contact: P.A. Wojciechowski, Submerged Land Director  
Public Trust  
Division of Marine Fisheries  
P.O. Box 769  
Morehead City, NC 28557-0769

Phone: (919) 726-7021  
Fax: (919) 726-6062 or 726-0254

North Carolina leases submerged lands for aquaculture.

Process for leasing submerged lands: Individual proposes a site in an application to the DMF. He/she next hires a private surveyor to fix corner markers, calculate acreage, and describe the site location in terms of competing uses, ecology, etc. The DMF's surveyors analyze the site's suitability and check the private surveyor's report. The applicant provides a written shellfish production plan. The Marine Fisheries Commission, with the DMF, reviews the application and survey results and either grants or denies the lease.

**Fee structure:** Application fee is \$100.  
Annual fee for bottom culture techniques is \$5/year.  
Annual fee for water column techniques is \$505/year.

**Terms of lease:** The lease has a duration of 10 years. The lease holder must submit annual reports describing his/her activities and production levels. If the lease holder has met the DMF's requirements (which include a minimum 25 bushels/acre production level, barring extraordinary barriers to production), he/she may apply for a renewal of the lease. The leases can be renewed at 10 year increments. The lease holder must pay a small legal fee if he/she chooses to either renew or transfer the lease. The DMF processes the sale of a lease by the lease holder to another party as it would a lease transfer. The lease holder must arrange to have the lease continue as part of his/her estate through a process similar to that designed for renewals.

## OREGON

**Contact:** John Faudskar, Extension Seagrant Agent  
Oregon State University, Extension Office  
2204 Fourth St.  
Tillamook, OR 97141

Phone: (503) 842-3433  
Fax: (503) 842-7741

Oregon leases submerged lands for aquaculture.

**Responsible Agency:** The Department of Agriculture is responsible for oyster aquaculture.

**Process for leasing submerged lands:** The prospective oyster culturist proposes site and receives an application from the Department of Agriculture. The individual applies for the lease and the application is reviewed by the Department of Agriculture and various other (14-22 in all) local, state, and federal agencies. After considering the other agencies' responses, the Department of Agriculture has the final ruling on whether the lease will be granted or denied.

**Fee structure:** The prospective lessee must pay an application fee of \$25. The annual lease fee is \$2/acre in addition to \$.05/bushel of harvested product. The latter fee is calculated according to the amounts of production reported in the lease holder's required quarterly reports.

**Terms of lease:** The Department of Agriculture grants the lease for an indefinite period of time. The Department can withdraw the lease if the lease holder fails to pay the annual fee, file the quarterly report, or improve the minimum percentage of the lease site as stated in the lease. Leases are salable, transferable, and heritable.

## RHODE ISLAND

<b>Contact:</b> Arthur Ganz, Marine Biologist Coastal Fisheries Laboratory 1231 Succotash Rd. Wakefield, RI 02879	<b>Jim Boyd, Environmental Scientist Coastal Res. Mgmt. Council Oliver Stedman Govt. Center 4808 Tower Hill Rd. Wakefield, RI 02879</b>
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<b>Phone:</b> (401) 783-2304 <b>Fax:</b> (401) 783-2760	<b>(401) 277-2476 (401) 277-3922</b>
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Rhode Island leases submerged lands for aquaculture, but the majority of leases are currently small-scale operations designed to supplement other sources of income. A few lease holders/applicants are showing interest in advancing aquaculture to a more sophisticated level.

Responsible Agency: Rhode Island Coastal Resources Management Council.

Process for leasing submerged lands: Individual needs to apply to the CRMC for a leasing permit and to the Division of Fish and Wildlife for an aquaculture permit...Upon receiving the lease permit application, the CRMC puts out a public notice and the CFL analyzes the site for potential impact on preexisting free and common fisheries...If any objections are raised in response to the public notice, the CRMC brings the application to a public hearing.

Fee structure: Startup fee consists of an application fee which varies according to estimated project cost for developing the site: \$50 for less than 1,000 acres, and \$100 for 1,000-2,500 acres, \$150 for 2,500-5,000 acres.

Terms of lease: Lease period maximum of 5 years. Renewable, based on annual report analysis (pretty lenient) and annual site visit...Neither salable nor heritable.

#### SOUTH CAROLINA

Contact: Willis Keith, Marine Resources Division  
Department of Natural Resources  
P.O. Box 12559  
Charleston, SC 29427

Phone: (803) 795-6350

Fax: (803) 762-5412

South Carolina leases submerged lands for aquaculture, intertidal lands more often than fully submerged lands.

Process for leasing submerged lands: Individual proposes site and defines his intended activity; shellfish culture on grounds on which shellfish naturally reproduce or shellfish mariculture on grounds on which shellfish do not naturally reproduce. If the individual does not intend to build any structures as part of the proposed aquaculture-related activities, s/he needs only apply for a permit from the DNR. If, however, s/he intends to build a structure on the proposed site, he/she must apply separately for a permit from the Coastal Resources Management division of the South Carolina Department of Health and Environmental Control. The applicant must advertise the proposed site in a local newspaper once a week for three weeks. If s/he hopes to obtain a construction permit, s/he must also advertise his/her development plans in a local newspaper, while only one D. The shellfish permitting committee within the DNR addresses any concerns which the public expresses in response to these advertisements. The DNR surveys the proposed site to determine its acreage. The DNR decides to grant or deny the lease after reviewing the survey results, the one-page application, and the applicant's attached management plan.

Fee structure: The applicant must pay a \$25 application fee and an annual fee of \$5/acre/year. South Carolina currently has no legislation regarding forms of aquaculture other than bottom culture (i.e. water column aquaculture). The state is currently considering legislation regarding alternative forms of aquaculture and may design separate fee structures as part of this process.

Terms of lease: The state does not issue leases for sites greater than 500 active acres. The state might lease a site greater than 500 acres only if the lessee does not cultivate the extra acreage and treats it as

a buffer zone surrounding his/her active site. In such a situation, the DNR only charges the lessee for the 500 active acres.

Leases are renewable each year. The applicant can extend the duration of the lease to 5 years by submitting to the DNR an extended management plan. When a lease approved under an extended management plan approaches the end of its 5th year, the lease holder has the option of renewing the lease for another 5 years. After 10 years, the DNR conducts a thorough review of the lease holder's management record before granting him/her another renewal. The DNR monitors the lease site by conducting annual site visits.

Leases are not salable, transferable, or heritable.

## VIRGINIA

Contact: Wilford Kale

Virginia Marine Resources Commission  
P.O. Box 756  
Newport News, VA 23607-0756

Phone: (804) 247-2269

Fax: (804) 247-8062

Virginia leases submerged lands for aquaculture.

Process for leasing submerged lands: (1) Individual files an application, (2) VMRC acknowledges receipt of application, (3) the site being petitioned for is advertised, at the applicant's expense, in a local newspaper once a week for four weeks, (4) the highest bidder pays a fee to the VMRC in return for its survey of the site (5) the results of the survey are posted for 30 days and if no one objects at this time, the lease is awarded.

Fee structure: Startup fee amounts to an application fee of \$25 and a site-survey fee of \$470. \$1.50/acre/year, fee rounded up to the nearest full acre.

Terms of lease: 10 year lease...3 months before expiration date, VMRC will contact lease holder and ask him to submit a form explaining annual production levels and development efforts....DMRV conducts no site inspections with renewal request....Yes, the lease is transferable, which requires the lease holder to fill out a transfer form and the transfer recipient to pay \$17 for leases of 10 acres or less and \$22 for leases of more than 10 acres....The leases are recognized as part of the deceased lease holder's estate for a period of 18 months, during which time the lease can be transferred to a Virginia resident...all leases are available only to Virginia residents.

## WASHINGTON

Contact: Fred Hirsch, Aquaculture Specialist, Aquatic Resources Division  
Department of Natural Resources  
1111 Washington St. S.E.  
P.O. Box 47027  
Olympia, WA 98504-7027

Phone: (360) 902-1067

Fax: (360) 902-1786

Washington leases submerged lands for aquaculture.

**Process for leasing submerged lands:** Individual proposes site in an application to the DNR. The individual must fill out 2 application forms (1 for the land lease and 1 for an aquaculture permit). The individual must also present any local, state, and federal permits which might relate to the specific activity and site which he/she has proposed (eg. county permits for the use of shoreline). The individual must hire a private surveyor to determine the acreage and assess the ecological status of the proposed site. The applicant must also present proof of insurance and put forward a security bond equal to twice the annual rent for the leased site. Based on the information listed above, the DNR decides whether to approve or deny the lease.

**Fee structure:** The applicant pays a \$25 application fee. The lease holder also pays a \$25 fee whenever the lease changes hands (by transfer or sale). For bottom culture in the tidelands, the annual lease fee is approximately \$110/acre. For water column aquaculture, the DNR demands 3.5% of the aquaculturist's annual revenue. The DNR determines this annual revenue at the beginning of each year by estimating the annual production/acre and multiplying that production level by the local market price for the shellfish being produced.

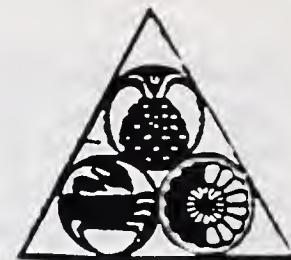
**Terms of lease:** Leases are approved for periods of 10-25 years, depending on the aquaculturist's development plans and the DNR's confidence in the lease holder's ability to develop the lease site. Leases are renewable, transferable, salable, and heritable. The DNR contacts lease holders 6 months prior to the lease's expiration date and explains the procedure for renewing, transferring, or selling the lease. If the lease holder hopes to renew or pass the lease on to someone else, he/she must notify the DNR within 30 days of the lease's expiration date.

# Appendix C: Maryland Market Reports



## MARYLAND AQUACULTURE OFFICE

Department of Agriculture  
50 Harry S. Truman Parkway  
Annapolis, Maryland 21401  
(410) 841-5724



Maryland Food Center Authority

## WHOLESALE MARKET REPORT

MDA 143

Vol. 4 No. 1

### HIGHLIGHTS

This report is for the week ending January 19, 1995. In general, the reported finfish prices were higher with no price change for Arctic Char. The higher prices were led by red meat salmon trout fillets at 60 cents per pound more followed by boned/dressed rainbow trout at 5 cents, tilapia fillets at 4 cents and whole Atlantic salmon and whole hybrid striped bass at 1 cent per pound more. Price decreases were led by catfish fillets and Atlantic salmon fillets at 4 cents per pound less and rainbow trout fillets at 3 cent per pound less. Volume increase was reported for catfish fillets, boned/dressed rainbow trout and rainbow trout fillets. Volume decreases were reported for whole Atlantic salmon, Atlantic salmon fillets, red meat salmon trout fillets, tilapia fillets and whole hybrid striped bass. New or reappearing items include dressed catfish, cajun - lemon pepper catfish fillets, boned red meat salmon trout, boned coho salmon and steelhead trout fillets. No turbot was reported.

Shucked oysters increased 58 cents per gallon in price and no change in volume. Shell oysters reported no change in price and a volume decrease of 1440 oysters. Hard clams reported no change in price or volume. Mussel prices increased 10 cents per pound in price and 25 pounds in volume. Black tiger shrimp increased 8 cents per pound in price and 420 pounds in volume. No scallops were reported.

Regions in US: NE (Northeast), MA (Mid-Atlantic), S (Southern), MW (Mid-Western), W (Western)  
IM (Import)

### MARYLAND MARKETS

SPECIES	FORM	SIZE(lb)	\$/lb	Volume(lb)	Point of Origin
Catfish	Fillets	5 - 7 oz.	2.92	800	S
		7 - 9 oz.	3.06	8,500	S
		9 - 11 oz.	2.89	400	S
Catfish	Dressed	12 - 16 oz.	1.87	1,965	S
Cajun - Lemon P.	Fillets	7 - 9 oz.	3.50	4,095	S
Hybrid Striped Bass	Whole	3/4 - 1 1/4	2.34	6,200	S/MA
		1.5 - 2	2.40	3,300	S/MA
Tilapia	Fillets	4 - 7 oz.	3.45	940	IM
		8 - 16 oz	3.25	240	IM
Rainbow Trout	Fillets	6 - 8 oz.	3.81	790	W
		Boned	8 - 10 oz.	2.71	4,730
		Dressed	1 - 2	2.17	W/MA
Red Meat Salmon Trout	Fillets	8 - 10 oz.	3.10	210	S/W
		1 - 2	3.05	1,700	IM
Atlantic Salmon	Fillets	2 - 4	3.70	5,380	IM
		2 - 4	2.35	300	IM
	Whole	4 - 6	2.34	2,000	IM
		6 - 8	2.64	8,000	IM/NE
		8 - 10	2.73	8,150	IM/NE
		10+	2.91	7,420	IM/NE
		10 oz	3.25	200	W
Coho Salmon	Boned	2 - 4	3.65	50	IM
Arctic Char	Whole	1 - 2	3.00	1,000	IM
Steelhead Trout	Fillets	6.5 lb./gal.	35.31/gal.	337 gal	W/S/NE
Oysters	Shucked		0.35 ea.	50,600 pcs.	NE
Clams (Hard)	Shell		0.17/ea.	19,840 pcs.	S/MA
Mussels	Shell		0.69	7,525	NE/IM
Shrimp (Black Tiger)	Pound	16 - 20 ct.	7.10	1,760	IM

Shrimp (Black Tiger)	21 - 25 ct.	6.15	480	IM
	26 - 30 ct.	6.25	320	IM
	31 - 40 ct.	5.15	2,160	IM

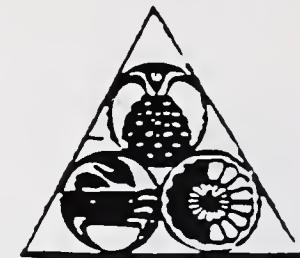
WASHINGTON, D.C. - VIRGINIA MARKETS					
SPECIES	FORM	SIZE(lb)	\$/lb	VOLUME(lb)	POINT OF ORIGIN
Catfish	Fillets	5 - 7 oz.	3.10	800	S
		7 - 10 oz.	2.95	1,050	S
Hybrid Striped Bass	Whole	1.5 - 2	2.70	250	W
		2 - 3+	2.81	250	W/S
Tilapia	Fillets	4 - 6 oz.	3.43	360	IM
		7 - 9 oz.	3.75	200	IM
Rainbow Trout	Boned	8 - 10 oz.	2.79	1,980	W/MA
Red Meat Salmon Trout	Fillets	8 - 10 oz.	3.25	500	IM/MA
Atlantic Salmon	Boned	8 - 10 oz.	2.40	3,000	IM
	Fillets	2 - 3	5.00	200	IM
	Whole	4 - 6	2.30	400	IM
		6 - 8	2.57	3,500	IM/NE
		8 - 10	2.68	2,750	IM/NE
		10 - 13	2.73	2,250	IM/NE
Oysters	Shucked	6.5 lb/gal.	36.95/gal.	38 gal.	NE
Clams (Hard)	Shell		0.26 ea.	8,720 pcs.	NE/IM
Mussels	Shell		0.16 ea.	17,250 pcs.	MA
Scallops	Pound		1.06	2,600	IM
			5.00	200	NE

Parris N. Glendening, Governor  
 Lewis Riley, Secretary  
 Henry Virts, Deputy Secretary



## MARYLAND AQUACULTURE OFFICE

Department of Agriculture  
50 Harry S. Truman Parkway  
Annapolis, Maryland 21401  
(410) 841-5724



Maryland Food Center Authority

## WHOLESALE MARKET REPORT

Week Ending 2-03-95

MDA 143

Vol. 4 No. 3

### HIGHLIGHTS

This report is for the week ending February 3, 1995. In general, the reported prices were mixed with no price change for Cajun-lemon catfish fillets, red meat salmon trout fillets and whole turbot. Price increase were led by dressed white sturgeon at 30 cents per pound followed by catfish fillets at 8 cents, boned golden trout at 7 cents, boned red meat salmon trout at 6 cents, boned/dressed rainbow trout at 2 cents and rainbow trout fillets at 1 cent per pound more. Price decreases were led by whole Arctic char at 32 cents per pound less followed by whole hybrid striped bass and whole Atlantic Salmon at 11 cents. Atlantic salmon fillets at 10 cents and tilapia fillets at 9 cents per pound less. Volume increases were led by Atlantic salmon fillets and whole hybrid striped bass at 500 pounds followed by catfish fillets at 300 pounds, boned red meat salmon trout at 150 pounds whole turbot at 100 pounds and boned golden trout at 70 pounds more. Volume decreases were led by whole Atlantic salmon at 9,400 pounds followed by Cajun-lemon catfish fillets at 250 pounds, tilapia fillets at 190 pounds, Arctic char at 150 pounds, red meat salmon trout fillets and dressed white sturgeon at 100 pounds and boned/dressed rainbow trout at 60 pounds less. There was no change in volume for rainbow trout fillets. New and reappearing products are dress catfish, whole tilapia and boned coho salmon. Products missing are steelhead trout and live eels.

Shucked oysters reported no price change with a volume decease of 14 gallons. No change in price or volume for shell oysters. Hard clams were 1 cent each lower and 43,100 clams lower in volume. No change in price or volume for imported clams. Mussels had no price change with a volume increase of 2090 pounds. Black tiger shrimp wee 2 cents lower in price and 93,220 pounds less in volume. Escargo reported no price change with a volume increase of 2200 meals.

The northeast live markets reported a 100 pound increase in catfish, and 11,000 pounds increase in bighead carp. Tilapia volumes decreased by 1,000 pounds. Tilapia prices increased 1 cent per pound and big head carp decreased by 10 cents per pound. No change was reported for catfish price, hybrid striped bass price and volume and price for oysters and Manila clams.

Regions in US: NE (Northeast), MA (Mid-Atlantic), S (Southern), MW (Mid-Western), W (Western).

### PENNSYLVANIA MARKETS

SPECIES	FORM	SIZE (lb)	\$/lb	VOLUME (lb)	POINT OF ORIGIN
Catfish	Fillets	5 - 7 oz. 7 - 10 oz.	2.95 3.03	100 4,400	S S
Hybrid Striped Bass	Dressed	12 - 16 oz.	1.96	400	S
	Whole	1 - 1½ 2 - 4	2.40 2.95	240 100	MA MA
Tilapia	Fillets	4 - 6 oz.	3.37	600	W/IM
Rainbow Trout	Whole	1 - 1½	1.00	1,700	S
	Fillets	5 - 5 oz.	3.25	300	W
	Boned	8 - 12 oz.	2.70	1,260	W
	Dressed	8 - 24 oz.	1.90	450	W
Golden Trout	Boned	8 - 10 oz.	3.17	150	W
Atlantic Salmon	Whole	4 - 6 6 - 9 9 - 13	2.40 2.65 2.55	1,500 4,400 1,500	NE NE/IM NE
Arctic Char	Whole	2 - 4	4.50	100	I
Oysters	Shucked	6.5 lb/gal	\$ 50/gal	7/gal	MA
Oysters	Shell		.28/ea	5,200	MA
Clams	Shell		.14/ea	138,100 pcs	MA/S
Mussels		Pound	.33	5,550	NE
Shrimp, Black Tiger		16 - 20 ct. 26 - 30 ct.	7.00 6.50	150 150	IM IM

### NORTHEAST LIVE MARKETS

SPECIES	FORM	SIZE (lb)	\$/lb	VOLUME (lb)	POINT OF ORIGIN
Catfish		1 - 8	0.90	1,500	MA
Hybrid Striped Bass		1 - 3	3.05	500	MA
Tilapia		1 - 2	1.10	30,000	MA
Big Head Carp		2 - 4	0.60	36,000	S
Oysters		Shell	0.25	600	W
Manila Clams		Pound	2.20	200	W

### NEW YORK - MASSACHUSETTS MARKETS

SPECIES	FORM	SIZE (lb)	\$/lb	VOLUME (lb)	POINT OF ORIGIN
Catfish	Fillets	7 - 10 oz.	3.02	2,210	S
Cajun - Lemon	Fillets	7 - 9 oz.	3.55	350	S
Hybrid Striped Bass	Whole	1	2.25	750	S
		1.5 - 2	2.60	1,550	MA/S
Tilapia	Fillets	3 - 5 oz.	3.50	1,500	IW
		5 - 7 oz.	3.55	240	IW
Rainbow Trout	Fillets	8 oz.	4.05	100	W
	Boned	10 - 12 oz.	2.43	710	W
Red Meat Salmon Trout	Dressed	8 - 16 oz.	1.95	3,000	W
	Fillets	8 - 10 oz.	3.75	50	S
	Boned	7 - 10 oz.	2.41	700	W/S
Atlantic Salmon	Fillets	2 - 3	3.55	3,000	IM
	Whole	6 - 9	2.40	3,000	IM
		6 - 12	2.40	2,500	IM/NE
		12+	2.39	1,650	IM/NE
Coho Salmon	Boned	11 - 13 oz.	2.75	150	NE
Arctic Char	Whole	2 - 4	3.50	50	IM
		3 - 4	3.95	250	IM
Turbot	Whole	10	4.50	300	IM
White Sturgeon	Dressed		5.75	100	W
Escargo	Meats		0.23/ea	3,000 pcs	W

### NEW JERSEY MARKETS

SPECIES	FORM	SIZE (lb)	\$/lb	VOLUME (lb)	POINT OF ORIGIN
Hybrid Striped Bass	Whole	2	2.50	700	NE
Atlantic Salmon	Whole	6 - 8	2.30	3,000	IM
		8 - 12	2.40	9,000	IM
Clams	Pound		1.70	40,000	IM
Shrimp Black Tiger		13 - 15 ct.	8.75	2,500	IM
		16 - 20 ct.	6.95	2,500	IM
		21 - 25 ct.	6.35	30,000	IM
		26 - 30 ct.	5.80	15,000	IM
		31 - 40 ct.	5.10	12,500	IM
		41 - 50 ct.	4.85	5,000	IM

Parris N. Glendening, Governor  
 Lewis Riley, Secretary  
 Henry Virts, Deputy Secretary

## Appendix D: MA Educational Programs

APRIL 11, 1995

### UPDATE ECONOMIC DEVELOPMENT AND MARKETING SUB GROUP; EDUCATION

The following is an outline of current education initiatives related to the Commonwealth of Massachusetts. To facilitate analysis the topic, Aquaculture Education has been divided into three categories; Elementary through Secondary/Vocational Education; Collegiate/Formal Course Studies; Applied Education through Workshops, Seminars and Short Courses. Accordingly, it does not reflect all of the proposed aquaculture education initiatives.

Further analysis is underway to develop a strategy for training and education with Rob Garrison of the Nantucket Research and Education Foundation. Additionally, communications with Hank Parker, USDA and area elementary and secondary schools have indicated there is great interest in dissemination of available aquaculture education materials.

Any questions suggestions or comments should be directed to Scott Soares at SRPEDD 508-824-1367, fax 508-880-7869.

AQUACULTURE EDUCATION IN MASSACHUSETTS  
Draft/Outline  
Scott J. Soares  
SRPEDD, phn. 508-824-1367 fax. 508-880-7869

I. Elementary/Secondary/Vocational-Agricultural

A. The National Council for Agriculture Education

1. 1992 core curriculum for aquaculture ed. at the secondary level developed per USDA office of Higher Education
2. MARS (Model Aquaculture Recirculating System)
  - a. Developed through North Carolina State University
  - b. Utilized as a education tool, research and production unit
  - c. Currently application of the curriculum in Massachusetts is questionable

B. Massachusetts Department of Education

1. Massachusetts Curriculum Library
  - a. Some curriculum does exist. Listing will be sent to office.
  - b. Contact Virginia Day @ 617-863-1863
2. Current Curriculum Applications
  - a. Voc-Agricultural Settings
    - (1) Norfolk County Agricultural School
      - (a) Via Animal Science and Marine Science
      - (b) Contact Kerrie Cavallaro, Principal @ 508-668-0268

(2) Essex County Agricultural Tech.

(a) Animal Science ?

(b) Contact Edward White, Director @  
508-774-0050

b. Traditional Secondary (High School) Setting

(1) West Roxbury High School

(a) Small component in Animal Science

(b) Contact Sprissler @ 617-635-8917

(2) Programs under development

(a) Water Works Group, Westport Ma

i) Westport Public Schools

ii) Dartmouth High School

iii) Utilize shellfish culture as  
an education tool

iv) Contact Wayne Turner @ 508-  
636-5444

(b) Nantucket Research and Education  
Foundation

i) Nantucket Public Schools

ii) Utilize shellfish culture as  
an education tool

iii) Contact Rob Garrison @ 508-  
228-2649

## II. Collegiate/Formal Courses

A. Massachusetts Colleges and Universities (according to AFS, Fisheries Programs and Related Courses at North American Colleges and Universities, 1990)

1. University of Massachusetts-Dartmouth
  - a. Possibility of expanding course studies to include aquaculture. degree option ?
  - b. currently 1 undergraduate level, introductory aquaculture course. (no lab)
  - c. Contact Dr. Victor Mancebo, Director NRAC @ 508-999-8157
2. University of Massachusetts-Amherst
  - a. Due to illness, series of aquaculture courses no longer offered as part of interdisciplinary studies.
  - b. Budgetary restraints leave continued lab operation in Gloucester questionable.
  - c. Contact Buryl Bouchard, @ U-Mass Amherst, Chief Advisor, Environmental Science Program.

B. Marine Biological Laboratory, Woods Hole, Ma

1. Aquatic disease program via Univ. of Penn
2. Contact Dr. Don Abt @ 508-289-7513

### III. Workshop/Short Course

#### A. Massachusetts Maritime Academy; Fisheries Program

1. "Aquaculture Seawater Systems" Workshop Scheduled for 5/6/95.
2. Informal "Aquaculture Seminar" Scheduled for 11/5/95.

#### B. Martha's Vineyard Shellfish Group Inc.

1. Northeast Fishing Industry Grant Funded
  - a. Re-train "fishermen interested in making occupational transition to aquaculture"
  - b. Provide assistance in securing appropriate permits
  - c. Develop self sustaining industry
2. Contact Rick Karney @ 508-693-0391

#### C. Nantucket Research and Education Foundation

1. Nantucket Aquaculture Project
  - a. "trains fishermen and other local individuals in shellfish aquaculture".
  - b. Presently 20 participants involved in the town/organization cooperative effort.
  - c. Nantucket Marine Lab provides the platform for the organizations various activities.
2. Contact Rob Garrison @ 508-228-2649

## Appendix E: Monitoring Survey

**Table 1**  
**Existing or Proposed Monitoring Requirements for US Aquaculture**

<u>State</u>	<u>Requirements</u>
California (Kent et al., 1995) (For white Sea Bass only)	
Baseline	Environmental impact report may be required. NPDES not for annual prod. below 9,090 Kg/yr.
Monitoring	Periodic monitoring must be undertaken at both hatchery discharge and storm water run-off.
New Hampshire (Falcon)	
Proposed requirements	
Baseline	
Biological:	Not permitted in natural populations of fish. Must assess natural flora & fauna.
Physical:	Benthic substrate evaluation. Tidal Information. Presence of other aquaculture sites within 1 mile radius.
Chemical:	Provide list of proposed biocides, algaecides, antibiotics, or other methods of control.
Monitoring	Shall conduct experimental monitoring to determine degradation and report once per year. Must report all unusual events within 48 hours. Provide list of all biocides, algaecides, etc. used during the year.
Exotics	Importation laws (Fis 803 & Fis 805) already on the books.
Disease	Not granted if risk is identified
Species	Identified competition with indigenous species as potential risk
Other	Funding and responsibilities by the lease holder.
New Jersey (State of New Jersey)	
Existing requirements	
Baseline	No water column regulations. Environmental Impact Statement may be required for waterfront development.
Exotics	Under jurisdiction of the Lacy Act. No Carp (State law).
Disease	Oyster import banned.
Proposed requirements	
Baseline	NPDES application if large enough.
Monitoring	Set discharge regulations using EPA Guidelines to start "BMP" to be developed. Must differentiate "aquaculture discharge" from "industrial discharge".
Exotics	Assure habitat protection and integrity of wild stocks.
Other	Responsibility lies with NJ Dept. of Agriculture. MOAs with DEP, Commerce, and Health.

**Table 1 (continued)**  
**Existing or Proposed Monitoring Requirements for US Aquaculture**

<u>State</u>	<u>Requirements</u>
<b>Maine (State of Maine, 1994)</b>	
<b>Baseline</b>	
Diver survey:	a) Video film of bottom under proposed pen location moving along axis of current and through center of lease, b) document sediment type, c) erosion or depositional areas, d) flora and fauna relative abundance, e) can use still photos every 10 meters.
Hydrography:	a) Measure current speed and direction at 3 depths (surface, pen floor, 1 cm off bottom), b) 15 min. samples every hour through 12 average tidal cycles.
Water Quality:	a) DO profile at 10 equally spaced intervals through the water column, b) at center of site, c) temp. and salinity measurements, d) sample within 1 hour of slack low in early morning.
Benthic Analysis:	a) sediment samples for grain size analysis b) chemical: TOC, c) biological infauna on 0.5 mm sieve and ID critters.
Area resources:	a) shellfish beds, b) fish migration area, c) submerged vegetation, d) endangered species/ critical habitat.
Surrounding area:	a) riparian uses, b) existing uses.
<b>Monitoring</b>	
Diver survey:	Semi-annual. a) video taped, b) within footprint and 60m beyond each end, c) same as baseline.
Water quality:	a) DO, salinity, temperature: every 2 weeks through summer, b) 3 samples at mid-pen depth (100m up current, 100m down current, 5m down current), c) detailed DO, salinity, temperature once in August: 10 equally spaced stations over depth.
Benthic:	a) during first period of peak feeding and then biannual, b) single core samples (discontinuity layer depth, depth of flocculent layer, grain size analysis, TOC of surface sediments), c) infauna (4 inch core, sieve to 0.5 mm, ID to species or lowest practical taxonomic level).
Reporting by December:	a) Spring and Fall diver survey, b) water quality monitoring data 1 July through 30 Sept., c) benthic survey report for year.

**Table 1 (continued)**  
**Existing or Proposed Monitoring Requirements for US Aquaculture**

<u>State</u>	<u>Requirements</u>
<b>Washington (Washington Dept of Ecology, 1986) (Salmon only)</b>	
Based upon production capacity: (A) < 20,000 lbs/yr. (B) 20-100K lbs/yr. (C) > 100K lbs/yr.	
Baseline	I.D. habitats of special significance which are given additional protection (see critical habitats / species. Recommend maximum intensities of culture in specific areas based on frequency of O <sub>2</sub> depletion and N <sub>2</sub> limitation. Characterization survey: Consult with state and local authorities. Bathymetric Survey. Hydrographic Survey, Current velocity and direction (2 depths, 1 tidal cycle), Drough tracking (2 depths), and vertical profiling (S, T & DO) - 1, 10, 20, 30' at 30' intervals to 3' above bottom.
Baseline survey: (for C only).	Sediment Chemistry and Benthic infauna. Sampling in transect stations from under pen, down current at distance of 20, 50, 100, and 200'. Triplicate cores or grabs Total C, Kjeldahl N, Grain size distribution, Visual ID RPD, Species level ID, Infauna of 0.5 mm mesh sieve.
Monitoring	
Chemical:	(C only) Annual water quality sampling in summer at slack tide. 3 Stations: 100' in current, 20' down current, 100' down current. Measure DO, T, S, pH, NH <sub>3</sub> , NO <sub>3</sub> /NO <sub>2</sub> . From these parameters and current velocity. calculate loading estimates (g/Kg fish/day) for NH and NO <sub>3</sub> /NO <sub>2</sub> . Also use cross section area of net pen and weight of fish in pen.
Physical:	(C only) Annual current velocity and direction Single measurement at time of water quality monitoring.
Biological:	(B) Annual diver benthic survey. Main object to I. D. depth and lateral extent of solids removed (C) Annual Benthic and infauna survey (See baseline survey above).
Other	Funding of monitoring and Responsibility lies with operator

**Table 2**  
**Federal Waters: EPA NPDES Monitoring Plan for Finfish Aquaculture (US EPA, 1994)**

<u>Area</u>	<u>Regulations</u>
Gulf of Mexico (off Alabama)	
Baseline	
Physical:	The site cannot be located within 1,000 meters of areas containing live bottom, including man-made habitat. Current direction and velocity will be collected from a permanent current meter station.
Chemical:	a) Water column: D.O., chlorophyll A, TKN, NH <sub>3</sub> , NO <sub>2</sub> , NO <sub>3</sub> , soluble P, total P, TOC, TSS and Turbidity. b) Sediment: Sediment texture (grain size), TOC, total N, total sulfides, total P, sediment oxygen demand.
Biological:	a) Benthic infaunal communities: Sieve analysis (0.5 mm mesh), species composition, number of individuals per species, species density and dominance. b) Epibenthic survey: Two video transects, after construction and prior to operation.
Monitoring	See above
Operational	
Start-up:	(First 6 months of operation). Notify EPA of initial stocking event: Date of stocking, species, biomass, feeding rate. Water column sampling and analysis as described above. Sediment sampling: Texture analysis, measure change caused by variable stock densities prior to full production. Take benthic videos along 2 transects. Samples should be taken 2 and 4 months following commencement of production. Measure current direction and velocity.
Post start-up:	Six months after start up water column samples will be collected at 3 stations plus reference site. Sediment samples for chemical and benthic infauna analysis will be collected at 10 stations plus the reference site. Video epibenthic survey will be conducted.
Analysis	Pre-operational data will be compared with post-operational data. The sampling procedures may then be modified. A Quality Assurance/Quality Control Plan must then be submitted for all monitoring activities.

**Table 3**  
**Existing or Proposed Monitoring Requirements for Canadian Aquaculture.**

<u>Provinces</u>	<u>Regulations</u>
<b>British Columbia (Hall, 1995)</b>	
From 1988-1995	
Baseline	None
Monitoring	Based upon volume of feed for finfish. No requirements for < 120 ton; 120 - 630 (A), > 630 (B).
Chemical:	(A) T/DO profiles. Monitor 2 sites during summer (upstream & downstream). (B) Monthly profiles of NH <sub>3</sub> , NO <sub>2</sub> , NO <sub>3</sub>
Physical:	(A) T/S Monitor for 1 year. Current speed and direction. (B) Same. Also repeat in late afternoon.
Biological:	(A, B) Annual diver survey of site and control; areas (Sediments & Benthos).
Other	Funding for monitoring and responsibility lie with the operator.
Present requirements	All requirements were dropped but materials accounting because of lack of utility and completeness of most of the data. They are redesigning their program to focus on benthic impacts.
<b>New Brunswick (Zupo)</b>	
Baseline	
Chemical:	Sediment redox potential at site center
Physical:	Depth of cage site at MLW, current velocity and direction, fetch.
Biological:	Quantify area extent of <u>Beggiatoa</u> sp., total # of <u>Capitella</u> sp. present observe change in fish and macroinverts. 3 -30 m transects across site at ends and center. At each measure depth, core for composition and grain size. Fauna, flora, redox. Take video along each transect.
Monitoring	
Chemical:	Sediment core: organic carbon (2 sites), grain size, CPD depth.
Biological:	Video diver, transects (3), 50 meters downstream, 50 meters upstream, under cages.
Physical:	Quantitative assessment of benthic habitat at each site.. These include sediment color, consistency, odor, outgassing, bacterial mat coverage, macrofauna abundance, feed and feces distribution.

**Table 3 (continued)**  
**Existing or Proposed Monitoring Requirements for Canadian Aquaculture.**

<u>Provinces</u>	<u>Regulations</u>
<b>Newfoundland (Snow)</b>	
Baseline	Fecal coliforms in the water column.
Monitoring	Larval monitoring.
Species	Atlantic Salmon, rainbow trout, Arctic char, cod, blue mussel, giant scallop.
<b>Nova Scotia (Chandler)</b>	
Baseline	Video transects (Maine Protocol); Ranges of water depth, sediment thickness, current speed. Sediment cores (minimum of 5/site) (Maine Protocol): grain size, water content, redox potential, total sulfide and organic carbon.
Monitoring	<p>Biological: Study to look at effects of aquaculture operations on lobster immigrations into the area, to see lobsters use of area under the pens; video transects; Proposing to look at effects on clam and scallop perturbations, recruitment, growth rates, population structure, fecundatory.</p> <p>Chemical: In sediments: redox potential, total sulfides, determine carbon content.</p> <p>Physical: In sediments: Grain size distribution; (or profiles of selected Physical/Chemical /biological productions).</p>
Species	Atlantic Salmon, rainbow trout, blue muscles, lobster, clam mussels.
<b>Prince Edward's Island (Raymond)</b>	
Baseline	No requirements
Monitoring	No requirements.
Species	Blue Mussels, Oysters.

**Table 4**  
**Proposed or Existing Requirements for Aquaculture in Other Countries**

<u>Country</u>	<u>Requirements</u>
<b>GEASAMP</b> (Proposed) (Rosenthal)	
<b>Baseline</b>	
Physical:	Topography, surface brackish layer, depth of summer eutropic zone, current speed and direction, renewal rate retention time.
Chemical:	Sedimentary redox potential, carbon, nitrogen, selected heavy metals.
Biological:	Community structure of macrofauna.
<b>Monitoring</b>	
Physical:	Sediment accumulation and sediment rate, grain size evolution. Use video or SPI.
Chemical:	For suspended and bottom aquaculture measure organic (C & N) during the winter, H <sub>2</sub> S, and redox potential (4 cm deep in sediment).
Biological:	In summer benthic macrofauna and community structure for finfish pens. For suspend or bottom aquaculture also measure Phytoplankton biomass for shellfish.
<b>Italy (Sweeney)</b>	
<b>Baseline</b>	
Inland	
Freshwater:	Law on waters, R.D. 11.12 of 1993 nr. 1775: all waters are public. A State authorization must be requested prior to the use of it. The concession for use has a duration of 10 years. Some regions apply local rules.
Saltwater:	From underground water see law nr. 1775. From sea channels, state permission must be requested from local Region Authority. In some regions (e.g. Venice) a local regulation is applied.
Depuration:	Law nr. 147/79. All edible bivalve molluscs, to be commercialized, must come from controlled areas and depuration plants authorized by the State and local USL. Water must come from an allowed area, according the National map of approved coastal waters, compiled by regional governments.
Marine:	Law 30.12.1992 nr. 531. On preparation and commercialization of fish products. The area of production must be well separated by public areas. An impact study must be performed on the chosen area. It must precede the request of authorization, submitted to the State Authority, for use of area for aquaculture purposes. The study must consider all the physical, chemical and biological impacts on the resident population.

**Table 4 (continued)**  
**Proposed or Existing Requirements for Aquaculture in Other Countries**

<u>Country</u>	<u>Requirements</u>
<b>Italy (continued)</b>	
<b>Monitoring</b>	
Inland	
Freshwater:	The amount of water taken is monitored by the local Compartment of the National Hydrographic Mareographic Service. Art. 26 T.U.R.D.27.7.3 nr. 1265. The local regional authority monitors, according to the local sanitary office (USL), the health state of waters and plants, from the physical, chemical and biological point of view.
Saltwater:	The situation is unclear. The water must be "Merli". Cu, Zn, Cl, GH, pH, O <sub>2</sub> , BOD, NH <sub>4</sub> , NO <sub>2</sub> , Pi, and microbiology must be yearly monitored and the results communicated to the local U.S.L.
Depuration:	Physical and chemical characteristics must be checked daily. Oxygen concentration and the presence of bacteria are the main parameters to be considered. Cu, Zn and Fe must be absent. An addition of Cl is allowed.
Species:	Mainly trout, Anguilla, Seabass, etc. Depuration - Mytilis, Tapes, Venerupis etc.
<b>Norway (Ervik)</b>	
Existing	None, Exotics not permitted. Costs will be incurred by industry.
Proposed	
Baseline	Max volume 12,000 cubic meters, depth 5 meters, density 25 kg/cubic meter, biomass 3,000 lbs.
Monitoring	Core samples to measure redox, pH, sediment: color, smell, water content. sieved for infauna.

## **Appendix F: Categories of Aquaculture Projects in the Commonwealth of Massachusetts**

In developing a process for monitoring the environmental impact of aquaculture projects in Massachusetts' marine and coastal waters, the Monitoring Subgroup relied heavily upon the previous experience of the State of Maine, which in turn adapted its protocols from initiatives already underway in the State of Washington.

The model proposed for Massachusetts would assign a proposed aquaculture project to one of four categories:

Category 1 aquaculture projects are low-impact, bottom-culture systems with no structures suspended within the water column that could inhibit other uses of overlying waters and with no addition of food or other inputs to the ecosystem. A prominent example of Category 1 aquaculture is the bottom culture of bivalve mollusks. Category 1 aquaculture should require minimal baseline evaluation of the site over and above that required to evaluate whether the site is appropriate in the context of traditional uses, levels of productivity anticipated, and so forth. Operational monitoring once a Category 1 system is in place should require little effort beyond annual inspection by local [and/or state?] regulators to ensure that the level of use is as described in the permit "Order of Conditions". An annual report on productivity at a Category 1 site would be required, with submission to the appropriate state [permitting? regulatory?] agency. This annual report should include, but not be limited to, information on the number of seed deployed and the amount of crop harvested. These data would be maintained as proprietary and confidential.

Category 2 projects involve more intensive use of the physical space, with structures suspended, e.g., within cages or on ropes, within the water column or in the intertidal zone, thereby limiting access to the overlying waters. Hanging (suspended) culture of bivalves is an example of Category 2 aquaculture. No additional inputs (feeds or other therapeutic agents) are permitted at a Category 2 site. Baseline monitoring information required for a Category 2 aquaculture initiative consists of all the information required for Category 1 projects, plus data to evaluate the potential impact of the suspended structures. These additional data include:

1. A detailed design plan, including engineering specifications, if appropriate, for the facility, including concise drawings of equipment to be deployed temporarily and/or permanently into the environment.
2. A description of the proposed site, including measurements of depth, tidal current velocities, and of benthic habitat (including video diver survey), specifically identifying sediment type, submerged vegetation, and in-fauna.

3. Information on known uses of the proposed site by endangered species and discussion of potential impact of the proposed aquaculture project on endangered species.

Monitoring requirements for a Category 2 site include an annual site visit and a biannual evaluation of the benthic environment under the site (including video diver survey). Entanglements of protected species will be reported within 24 hours to the Division of Marine Fisheries. In addition, an annual report on site productivity, plus documentation of all animal entanglements and user conflicts throughout the reporting period, shall be required. These data will be maintained as proprietary and confidential.

One issue not addressed by the Maine model, which may warrant consideration in Massachusetts' waters, concerns placement of suspended structures in shallow waters overlying submerged vegetation, where shading of sunlight may be a problem.

Category 3 aquaculture operations are land-based and intensively managed facilities such as shellfish or finfish hatcheries or recirculating culture systems. Facility discharges are contained, concentrated and remotely deployed into the environment. In considering monitoring programs for Category 3 culture systems, the Working Group noted that regulations addressing point-source discharges are currently well established and that guidelines/regulations are clearly outlined as part of the National Pollutant Discharge Elimination System (NPDES) permitting process administered through the Army Corps of Engineers. The tools for environmental monitoring of Category 3 culture systems are thus already in place, although it will be necessary in Massachusetts to classify the effluent from these systems as "agricultural effluent" and and to apply those regulations which are required for the discharge of such waste effluent to all Category 3 aquaculture facilities.

Category 4 aquaculture is defined by the addition of structures to the water column as well as inputs of organic and inorganic materials. The prototypical Category 4 aquaculture enterprise involves floating netpen culture of finfish. Because Category 4 aquaculture is the most intensive level of field-deployed, *in situ* aquaculture, the most stringent environmental monitoring is associated with this level of aquaculture development.

Category 4 aquacultural enterprises affect the environment primarily on account of the addition of organic and inorganic products (feed, medications) to the water. Addition of feed and the subsequent production of feces contribute to overall nutrient loading in the water column as soluble products leach from food and feces and as fine particulate material persists in suspension in the water column. Although nutrient enrichment of the receiving water may present a problem, particularly on a cumulative basis, within a confined water body, the overwhelming impact from category 4 aquaculture activities usually derives from

hypernutrification of the benthos. Settling solids (both feed and feces) can result in unacceptable impacts such as azoic areas adjacent to or under pens primarily due to benthic anoxia, outgassing events which liberate toxic gases such as methane and hydrogen sulfide, establishment of fungal mats (*Beggiatoa* sp.) within the netpen impact area, and hyperdominance of infauna extending beyond the footprint of the netpen system.

The State of Maine has developed a comprehensive site evaluation protocol for category 4 aquaculture facilities. Environmental assessment begins with a baseline evaluation at the beginning of the site permit application process and continues with yearly site inspections performed by agents from the State, coupled with production and distribution of an annual environmental report by the aquaculturists.

The following baseline and operational monitoring guidelines, derived directly from the Maine model, are suggested for Category 4 aquaculture projects in Massachusetts:

**Baseline Field Survey/Monitoring:** All permitted proposals will require on-site field studies to characterize existing environmental conditions as reference data for future comparisons after operation start-up. Elements of the baseline field monitoring program for Category 4 projects include video-recorded observations collected by divers, hydrographic information, water quality measurements and benthic data on sediment quality as well as macrobiological community structure).

Aquaculture lease regulations shall specify that applicants may do more than one site evaluation, but at least one evaluation must be conducted and completed between May 1st and September 30th before a lease is granted

1. Diver survey. A diver shall survey the proposed site to determine the relative abundance of the macrofauna/flora, sediment types, and other unique features of the substrate including the presence of *Beggiatoa* or like species, epibenthic algal layers, prominent ledges, depressions, etc., prior to operation start-up. This survey shall be documented with a video camera. The dive shall be conducted along the axis of the current and through the center of the proposed lease area. The diver shall document sediment types and features, noting erosional or depositional areas. Relative abundance of flora/fauna shall be documented in accordance with the following very general categories: abundant (seen occasionally within the diver's view), common (seen occasionally throughout the dive, maybe patchy), rare (only seen once or in a few places throughout the dive).

One copy of the video tape on standard VHS tape format shall accompany the application. Although video format is preferred, photographs taken at 10-m intervals may be submitted, if video is not available. A brief narrative describing

appropriate reference points shall accompany the tape or photos. All visual documentation shall include the dates on which data were collected.

2. Hydrography. Hydrographic data shall be collected, including measurements of current speed and direction, in order to predict the fate of fecal material and/or unconsumed feed. The current shall be measured at three depths: surface, suspended structure bottom, and 1 m off the ocean floor. A 15-minute sample shall be collected at each of these 3 depths every hour for 12 consecutive hours, representing one complete tidal cycle. An average tide should be selected; spring or neap tides should be avoided. Subsurface current meters are preferred. However, flow meters may be used with concurrent surface direction estimated. The data (hard copy as well as disc) shall be delivered in tabular format and shall include the date and tide predictions for that day.
3. Water quality. Water quality samples shall be collected, including dissolved oxygen profiles during peak stratification periods (usually August or September). A detailed dissolved oxygen profile, consisting of 10 equally spaced samples over the entire vertical depth, shall be measured at the center of the site. This is the same location where hydrographic data shall be collected. Water samples may be collected or an electronic membrane probe may be used to measure concentrations. Temperature and salinity profiles are also required from the same samples and depths. These data will determine percent saturation and evidence of stratification. Samples shall be taken within one hour of slack low water (preferably in the early morning).

Water column dissolved oxygen acceptable methodology and quality assurance procedures, required to substantiate compliance with water quality standards, are discussed in the following paragraph.

Although the preferred method for quantifying dissolved oxygen is the "Winkler Titration" (azide modification), of Standard Methods, the use of the membrane electrode method is acceptable, considering the multiple depths required for the profile. The zero and standard calibration methods described in the most current edition of Standard Methods and the instrument manufacturer's instructions shall be followed. Air calibration readings shall be recorded at the beginning and end of each interval when the meter is on. One duplicate reading per profile shall be taken and reported to verify that the meter is reading consistently. Furthermore, at the beginning and end of each sample season, calibration curves comparing the probe to Winkler readings for at least four dissolved oxygen concentrations ranging from less than 20% to 100% saturation shall be constructed. If more than one meter is used, curves shall be developed for each meter. These curves shall be submitted with all data.

4. Benthos. Benthic monitoring shall involve two components: sediments and infauna.

a. Sediments. The applicant shall prepare a sediment loading plan which includes the number and location of sediment samples to be collected for geological, chemical, and biological analyses. Single sediment cores shall be collected for a set of samples which are representative of bottom characteristics of the proposed site. The precise design, number and location are not specified here because of the variety of potential structure configuration and sizes. However, a systematic sampling design (sampling at equidistant intervals) which covers the entire area of proposed site, plus 60 m in each tidal direction (ebb and flood) is required.

The sampling grid design and protocol shall be coordinated with the appropriate state agencies (DEP and DMF) to ensure that the data collected are acceptable and consistent. Sediment cores will identify sediment grain size (percent gravel, sand, silt, clay), the depth of the redox discontinuity layer, the depth of the unconsolidated organic layer, and total organic carbon (TOC). Single cores collected using a Plexiglas type corer according to the proposed sampling plan shall be inserted to resistance or to 15 cm, whichever is less. The depth of the discontinuity layer shall be measured from the surface. The depth of the unconsolidated organic layer can also be measured visually with a Plexiglas corer. Grain size analysis shall be performed using the wet sieving method described in Buchanon, or according to a similar procedure. Standard sieve sizes for gravel, sand, silt and clay shall be used. Full analysis of the silt clay fractions may be calculated as the difference in the dry weight between the original sample and the sum of the sieve fractions down to the 0.062 mm sieve (very fine sand). The fraction in each sieve shall be reported in grams (dry weight) and percent of total (dry weight), including the total dry weight of the initial sample.

The unconsolidated material and the top 2 cm of inorganic sediments shall be collected for TOC analysis. The applicant shall ensure that a minimum of 30 g is collected for analysis. Multiple cores (which include the top 2 cm of inorganic material), if warranted, shall be required. TOC shall be analyzed using methods described in the Puget Sound Estuary Program, Hedges and Stearn or Verardo et al.

b. Infauna. Infaunal samples shall be sieved through a 0.5 mm sieve (collection techniques are presented with metric measurements) and organisms identified to species or the lowest practical taxonomic level. Single cores shall be collected according to the proposed sampling plan along the axis of the current. Cores must be inserted to resistance or to 15 cm, whichever is less, and the depth of the core shall be reported.

Individual benthic infaunal cores collected by a diver shall have an area of at least 81 sq. cm (a 4-inch diameter PVC pipe will suffice). Alternatively, cores may be collected from a grab or box-type corer having an area of at least 0.1 sq. m. If subsamples are taken from a grab or box-type corer for the sediment

analysis and the remaining sample used for biological analyses, no more than 1/4 of the surface of each sample can have been removed for the sediment analysis.

**Operational (Long-Term) Monitoring:** After an aquaculture permit has been issued, the following operational monitoring program shall be required. The objective of these monitoring requirements is to identify effects of aquatic farms on sediments and water quality. It will also provide data with which to review current environmental requirements for possible future modifications.

1. **Diver survey.** A diver survey shall be conducted twice a year, once between April and May and once between October and November. Except as provided below, diver surveys shall be documented with continuous video footage within the footprint of the aquaculture structures and shall extend 60 m beyond the ends of the system along the axis of the primary current. The diver shall document sediment types and features, noting erosional or depositional areas, as well as macroflora/fauna observed, including their relative abundance. Relative abundance shall be characterized approximately as follows: abundant (seen occasionally within the diver's view); common (seen occasionally throughout the dive, maybe patchy); rare (only seen once or in a few places throughout the dive). Video format is preferred, but photographs taken at 10 m intervals may be submitted if video is not available. A brief narrative describing reference points shall accompany the tape or photos. Diver surveys conducted by the DMF (done once per year to corroborate videos presented by the permit holder) may be used to satisfy this monitoring requirement, if they are available. All visual documentation shall include the dates on which data were collected.
2. **Water quality.** Three water quality samples shall be collected and analyzed for dissolved oxygen, temperature, and salinity every two weeks from June 1 through October 30. Sampling stations shall be placed such that down-current samples will represent water that has passed through the greatest concentration of suspended structures. Water quality samples shall be taken at mid-depth, i.e., if the structure is 6 m deep, the sample shall be collected 3 m from the surface. The three stations to be sampled shall be located 100 m up-current of the operation, 100 m down-current of the operation, and within 5 m down-current from the structures. Also, during the month of August, a once annually, detailed dissolved oxygen, temperature, and salinity profile, consisting of ten equally spaced samples over the entire vertical depth, shall be measured at each of the three stations listed above.

Water samples may be collected, or an electronic membrane probe may be used to measure the concentrations. Temperature and salinity measurements are also required from the same samples and depths. These data will determine percent saturation and evidence of stratification. Samples shall be taken within one hour of slack low water (preferably in the early morning). Methodologies to be

used are as described above in the discussion of baseline monitoring, water quality.

3. Benthos. Analysis of the benthos shall be required during the first period of peak inputs. This generally coincides with the first harvest at the end of the growing season, when multiple age classes are in the water. After this initial survey, monitoring will be required every other year. As with the protocol for baseline monitoring, there are two components to the operational benthic monitoring protocol: sediments and infauna. Procedures and methodologies are as described previously under baseline monitoring/benthos.

Additional operational monitoring requirements may be necessary as the Commonwealth's aquaculture initiative develops and especially to ensure coordination with the Massachusetts Marine Monitoring Program.

Reporting requirements, operational monitoring: By December 15th of each year the leaseholder shall submit the following information to DMF:

1. Spring and fall diver survey reports and videos.
2. Water quality monitoring data from June 1 through October 30.
3. Benthic survey report for the year.
4. Summary data of total feeds fed, stocking density of organisms, and total production of culture system for the year in question (confidentiality maintained).
5. Data (substance, quantity, date(s) added, and location) of all substances introduced into the culture system other than animal feed.

To corroborate the data reported above for a Category 4 aquaculture system, an annual site visit, including a diver survey, shall be conducted by the Massachusetts DMF during the summer.

## **Appendix G: Steering Committee and Working Group Participants**

*(Chairs are noted in italics)*

### **STEERING COMMITTEE MEMBERS**

*Leo Pierre Roy* (Undersecretary, EOEA)  
Trudy Coxe (Secretary, EOEA)  
*Gloria Cordes Larson* (Secretary, EOEcA)  
Peg Brady (Director, MCZM)  
Cliff Rotenberg (Governor's Office)  
David Struhs (Commissioner of DEP)  
*Jay Healy* (Commissioner of DFA)  
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Phil Coates (Director, DMF)  
The Honorable Bruce Tarr  
The Honorable Henri Rauschnenbach  
Mark Forrest - Rep. Gerry Studd's Office  
Jennifer Miller - Sen. John Kerry's Office  
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Karl Rask (Cape Cod Resource, Mass. Aquaculture Association)  
John Richards (Chatham Shellfish Co.)  
Roger Berkowitz (Legal Seafoods)  
Joseph Milano (Union Oyster House)  
John Reid (Bioshelters)  
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William Burt (Barnstable County Cooperative Extension)  
Micheal Collins (Cape Cod Economic Development Council)

Pat Eldridge (Senator Raushenbauch's office)  
Jill Fallon (Kaye, Fialkow, Richmond and Rothstein)  
Rob Garrison (Nantucket Research and Education Foundation)  
Gary Glenn (Ma. Foundation for Excellence in Marine and Polymer Sciences, Inc.)  
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Kent Lage, (MOBD)  
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Terri Thompson (Sen. Raushenbach's Office)  
John Richards (aquaculturist)  
Karl Rask (Cape Cod Resource)







# Aquaculture White Paper

## EXECUTIVE SUMMARY

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**AQUACULTURE:** The manipulation of marine or freshwater organisms and/or their environment before eventual release, harvest, or capture; the controlled cultivation and harvest of aquatic animals and plants. (USDA . National Aquaculture Development Plan, 1983).

In Massachusetts, the aquaculture industry is small, but growing steadily. Bush and Anderson estimate that aquaculture contributed approximately \$8 million to the Commonwealth economy in 1992. The industry is roughly split between inland and marine aquaculture in terms of economic value. Most industry analysts would agree that there has been a steady rise in production since 1992, both in the marine and inland sectors.

Marine aquaculture in the state is presently limited to the cultivation of shellfish (quahogs, oysters and scallops) for commercial, research, and propagation purposes. There are no coastal fish farms or ocean ranches in the state and only very limited work, primarily for research purposes, is dedicated to seaweed culture. Proposals for offshore fish farms and shellfish culture have just recently been proposed in the state and are undergoing permit review. The inland aquaculture industry is comprised primarily of a handful of highly technical recirculating facilities located mainly in the western part of the state (with one on Cape Cod). These facilities produce hybrid striped bass, tilapia, trout and other finfish. Additionally, there are a number of small pond and flow-through facilities located in Massachusetts.

The wild stock of both finfish and shellfish is currently dwindling, a trend that, despite the imposition of limits and closed seasons, has shown every indication of continuing. The recent closures of groundfishing on George's Bank are indicative of a larger problem both in Massachusetts and to some extent, worldwide. While fish stocks are undeniably declining, the demand for high quality marine protein for a variety of uses continues to grow. Aquaculture has been viewed by many as a means to address the gap between wild seafood availability and consumer demand. The development and support of the aquaculture industry is therefore a priority for the state of Massachusetts, not only in terms of increased seafood supply but also as a source of employment, particularly in rural areas.

State aquaculture programs are a reflection of local attitudes for or against the industry. These attitudes are created and influenced by historic and cultural trends, traditional uses, education, environmental and economic conditions, and the manner in which a state chooses between conflicting uses and limited resources. Massachusetts has, to date, reacted to the aquaculture industry on a case by case basis with very little attention given to the larger picture. As a result, the state has been

viewed by many as an impediment to growth in the industry. This viewpoint is due, in part, to a complex and duplicative permitting system as well as a paucity of technical assistance provided by state agencies.

With significant attention now being paid to the potential of the aquaculture industry, the Executive Office of Environmental Affairs, acting on behalf of the Governor, has initiated this study to identify how the state can proactively assist the aquaculture industry. The purpose of this report is to review the status of the aquaculture industry in the state both from a biological and technological standpoint as well as from a legal/regulatory perspective.

This White Paper includes information on the biology, technology, support systems, water quality, seafood safety, legal, and economic aspects of the aquaculture industry. Problems attendant to aquaculture are distilled in the Conclusion section.

This report reflects the aquaculture industry today in Massachusetts in that the focus of much of the review is on species currently being cultured. It should be kept in mind that the aquaculture industry in Massachusetts is in the process of rapid growth and change.

The White Paper addresses both inland and coastal (marine) aquaculture. A distinction must be drawn between inland aquaculture and coastal aquaculture. Inland aquaculture utilizes ponds, tanks, and enclosures that are dependent upon the aquaculturist for maintenance of water quality, food supply, and waste removal. Inland aquaculture is generally (with the exception of state-run hatcheries and stocking facilities) conducted on private property by private culturists. The primary product of inland aquaculture is finfish.

Coastal aquaculture utilizes enclosures, cages, or pens for mobile marine species such as silver and Atlantic salmon; baskets, rafts, racks, and trays for surface culture or water column (off-bottom) culture for sessile molluscan shellfish; nursery trays and pens placed on the bottom for the cultivation and grow-out of seed shellfish or placement of cultch (natural or artificial) for attachment of molluscan spat. All coastal aquaculture uses existing, unaltered water.

The private and public interests affected by competing uses of the sea, the coast, and the tidelands raise complex issues. The alteration, whether temporary or permanent, and private use of public resources provides a broad basis for potential conflict if not managed prudently. Similarly on land, aquaculture is in many ways a complex activity with potentially controversial implications. It is the intent of this study to both characterize the state of the aquaculture industry in Massachusetts today and establish a foundation for effective management of a diverse and sustainable industry for the future.

Section A of the White Paper focusses on Inland Aquaculture while Section B concentrates on Marine Aquaculture.

## Section A

### INLAND AQUACULTURE

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#### 1. INTRODUCTION TO INLAND AQUACULTURE

Commercial aquaculture (or fish farming) is a valuable and growing industry in the U.S. and around the world. Two major factors driving the industry's expansion are increased public demand for high quality fishery products and reduced yields from harvest of wild stocks. Many commercially important wild fish stocks are declining as a result of overfishing, environmental degradation and habitat loss. In addition, the possibility of contaminants in wild fish may also limit the available supply of fresh fish to the public. At the same time, America is becoming more health conscious and consuming more fish because of its nutritional value and low fat content. Per capita consumption of edible fishery products in the United states reached an all-time high of 15.4 lbs. in 1987 (Robinette et al. 1991). The Department of Commerce has projected that total fish and shellfish consumption could increase by 30 percent between 1990 and 2000. To satisfy U.S. demand, this would require an additional 1 billion pounds of fishery products annually. Longer term projections are even more dramatic. World seafood demand is projected to increase nearly 70 percent by 2025 which would require a seven-fold increase over current aquaculture production levels (Joint Subcommittee on Aquaculture 1993)

The United States is the world's largest exporter of seafood products (\$2.8 billion in 1990). At \$9 billion a year, the U.S. is also the second largest importer of seafood in the world. In terms of the U.S. trade deficit, fisheries products are the largest contributor among agricultural products, and second largest, after petroleum, among all natural resource products (Joint Subcommittee on Aquaculture 1993).

U.S. aquaculture has been growing rapidly, with production and revenues increasing nearly 400 percent in the 1980's. Aquaculture and its support industries such as feed mills, processing plants, and equipment dealers, create jobs in rural communities. According to the National Fisheries Institute, the total economic impact of U.S. Aquaculture is \$8 billion and the industry generates approximately 300,000 jobs (Joint Subcommittee on Aquaculture 1993).

Despite these impressive figures, aquaculture still accounts for only 10-15 percent of the U.S. seafood demand (Joint Subcommittee on Aquaculture 1993). This "shortfall", however, means opportunity. Aquaculture can provide farmers with an additional or alternative source for generating income and opportunities for capital investment by others. Much of the recent expansion of aquaculture has been in the southeast U.S. with the catfish and crayfish industries. Annual production of farm-raised catfish is estimated at over 350 million pounds and represents more than a 400 percent increase in the industry since 1980. Crayfish culture has also increased

significantly since the early 1980's with more than 150,000 acres now in production in an industry valued at over \$90 million. Trout production, now at over 55 million pounds, has potential for expansion as do numerous other fish species including Atlantic salmon, hybrid striped bass, catfish, and tilapia (Robinette et al. 1991).

Cultured fish also play a major role in providing and enhancing recreational fishing opportunities, augmenting existing fish stocks, and restoring fisheries resources. Hatcheries are an important management tool used by state and federal fish and wildlife agencies to enhance and restore freshwater fisheries for public benefit. In Massachusetts, there are five hatcheries operated by the Division of Fisheries and Wildlife which culture fish for purposes of put-and-take fishing, restoration and enhancement of native fish species, and augmenting existing fish populations to diversify fishing opportunities.

Expansion of aquaculture will most likely be limited more by availability of suitable sites than by saturation of the market. Good quality water is the primary limiting factor. Idaho is the largest producer of trout in the U.S. because they have a tremendous supply of high quality, free-flowing cold ground water. In the Mississippi Delta catfish farming region, the abundant supply of good quality ground water is now beginning to show signs of drawdown and expansion of the industry may be hampered as a result. If good quality water in sufficient volume can be found, land cost can become the second most limiting factor. Private aquaculture generally cannot compete for land that can be utilized for condominiums, resorts, planned private communities, or even industrial developments.

Currently, most states with emerging aquaculture interests are developing regulations to protect their existing aquatic resources. Because of aquaculture's rapid expansion and the uncertainty of the risks (e.g. disease problems, genetic contamination, escape of exotics, eutrophication, etc.), most state resource agencies are taking a conservative approach to regulating the industry (e.g. the species allowed to be cultured, facility design requirements to prevent fish escapement into the wild, fish health inspections, etc.). This "conservative approach" is often viewed by aquaculturists as the primary stumbling block to the full development of the aquaculture industry. It should not be surprising, however, that agencies charged with the responsibility of natural resource stewardship owe their primary allegiance to the protection of those natural resources.

User conflicts in both inland and coastal waters can be expected to intensify as aquaculturists, recreationalists of all types, developers, environmentalists and commercial fishermen compete for use of the same bodies of surface and ground water. The challenge to local, state, and federal governments will be to accommodate all interest groups in a fair and equitable manner.

In Massachusetts, there are approximately 50 inland aquaculture operations licensed by the Division of Fisheries and Wildlife. The intent of this White Paper is not to be a step by step guide to starting up an aquaculture operation, but is to provide a general overview on inland aquaculture in Massachusetts and includes the following information: aquaculture systems and technologies; life history and biological requirements on some of the commercially important fish species in inland aquaculture; fish health; drugs and chemicals in aquaculture; genetics and exotics; legal and regulatory issues; economics; public health and safety; and recommendations.

## **2. AQUACULTURE SYSTEMS AND TECHNOLOGIES**

The following information about aquaculture systems and technologies is found in Stickney (1979), Wheaton (1977), Piper et al. (1982), Brown and Gratzek (1980), and Leitritz and Lewis (1980).

Currently, four different systems account for the majority of inland aquaculture in Massachusetts: earthen ponds, tanks, raceways, and recirculation systems. Additionally, net-pen culture systems are also a possibility for limited inland use in the future. For any culture system, the main consideration in terms of growing fish is the water supply. The quantity and quality will determine not only what species can be grown and how many, but also which life stages can be cultured and by what technique. Tanks and raceways use the most water of any system for producing a given weight of fish and are reliant on a continual and clean water supply. Ponds use the least water during the course of a growing season, as only evaporative losses or outflow must be replaced, but must be monitored for gradual water quality loss due to stagnation. Recirculating systems also require small amounts of water but maintain water quality. Conditions such as water temperature, dissolved oxygen levels and water quality requirements vary widely among species. Frequently, a combination of raceways, earthen ponds and tanks are employed at the same location to accommodate the culture of a variety of species and life history stages. Additionally, the production technique employed is dependent on the size of the starting product (i.e. eggs, feeding fry, fingerlings etc.) and the desired end product (i.e. broodstock, market-size fish etc.).

For more information about hydrology and water availability in Massachusetts, contact the Information Office of the U. S. Geological Survey, Water Resources Division at (508) 490-5058.

### **2.1 Ponds**

Earthen ponds are extremely popular among Massachusetts' fish growers due in part to ease of construction, low maintenance, relatively small area requirements and ability to grow a wide variety of species. Additionally, because earthen ponds mimic nature, they may produce fish of an overall healthier appearance than other techniques. A natural supply of food is often available in earthen ponds which may lead to better fish health. Pond culture can vary from all life stages naturally occurring in a single pond to elaborate systems with discrete ponds for holding broodstock, spawning, rearing, growing and catch-out or harvest. Earthen ponds used for the production of fish are generally of two types: embankment and excavated. Embankment ponds are created by constructing a berm to impound water while excavated ponds are formed by removing soil to form a depression which is then filled by water from a stream, spring or surface run off. Provisions should be made to allow the pond to be drained.

Two major factors to consider in deciding upon embankment versus excavated pond include the topographic layout of the site location and the quality and quantity of the water supply. Depending on the surrounding topography, a combination of excavating and impounding may be necessary. The water source for the pond will in part dictate the species and numbers of fish which may be propagated. Spring fed ponds can be used to rear a wide variety of both cold and warm water species in the same pond. Earthen ponds vary in size from small, shallow, circular excavations of considerably less than one acre in surface area to large, relatively deep, rectangular ponds of several acres. Pond banks should be as steep as the soil will support to minimize the area less than one meter deep. This will minimize the accumulation of waste materials, limit growth of aquatic plants and discourage avian predation.

## 2.2 Raceways

Raceways are essentially rectangular troughs of varying dimensions pitched to allow a shallow stream of water to flow directly from one end to the other. Generally, raceways are constructed of concrete and are the popular method for raising trout. This type of technique is easily constructed and maintained, and due to a steady flow of water, they are able to support higher densities of fish than in ponds. Additionally, disease treatment and harvest of fish is much easier in raceways than in ponds. Their disadvantage lies however, in that they require large flows of high quality, well oxygenated water and a relatively large amount of space. Raceways are generally constructed in one of two configurations; in parallel and in series. When constructed in parallel, the water source splits to flow through multiple raceways arranged parallel to each other. The water then exits the raceways into a common outflow pipe. This type of system utilizes less space but requires high water flows to maintain the proper level in each raceway. When constructed in series, water enters the upper raceway then exits into a second raceway just downstream. This flow continues to the last raceway in the series. This design requires lower flows and less space, but can result in oxygen deficiencies between raceways and accumulation of metabolic wastes in lower raceways. The raceway concept may also be employed with natural earthen channels or by troughs with concrete sides and earthen bottoms. The dimensions of raceways will vary depending on available space and desired species, however, a length:width:depth ratio of 30:3:1 is frequently employed. Fish in raceways should be of comparable size to minimize cannibalism and harassment of smaller fish. A smaller version of the raceway trough is frequently used to incubate and hatch eggs and hold developing fry generally housed inside a building.

## 2.3 Tanks

Tanks essentially act as ponds but are generally constructed of concrete or fiberglass. Wood can also be used but must first be treated to prevent rotting. Concrete tanks have the advantage of being less expensive, easily constructed and formed into various shapes. Because they are heavier than fiberglass tanks, however, they tend to be permanent structures and their interior surface is not as smooth as that of

fiberglass tanks. This can be overcome by the use of sealers to provide a smooth finish. Fiberglass is the most common material for fish culture tanks. Tanks of this type are light, relatively inexpensive, and inert to fresh and salt water. Like concrete, fiberglass tanks can be molded into a variety of shapes and sizes. The potential size of tanks used for fish culture is limited only by expense and engineering capabilities. Most tanks used in fish culture are circular or oval with the water inlet causing a rotary circulation. The inlet is generally above the water level in the tank to provide aeration as it enters. The water usually exits through a standpipe or bottom drain in the center of the tank. Circular tanks have several advantages over other tank shapes and raceways. Water velocities tend to be higher, feed distribution is better, they are easier to maintain, require a lower flow rate, and generally cost less to construct and install.

#### **2.4 Net-Pen Culture**

Net pen culture consists of raising fish in box shaped nets suspended in the water column. To date, most of the culture of this type in the northeast has been for salmon in shallow bays along the coast. However, recent advances in designs of floating pens have allowed the culture of trout and other species in inland waters and man made lagoons. There are two types commonly used in fish culture. The first employs a rigid structure such as pilings driven into the substrate. Nets are then stretched over the pilings to create pens. The second type is floating net enclosures anchored to the bottom. The first type is expensive to construct and limited to relatively shallow waters. In either case, good water circulation is essential since water and wind action carries away waste products and continually provides well oxygenated water.

Advantages of this technique are that fish are easily observed and harvested and relatively little space is required. Net pen culture is especially desirable in areas that cannot be drained or otherwise hamper harvesting of cultured fish. Disadvantages, however, are that because these pen structures are generally constructed in open water, they are subject to numerous factors beyond the control of the fish propagator. Wind, waves, currents and predators are just a few. Additionally, fouling caused by suspended matter in the water column adhering to the nets will dramatically increase the effect of these factors. For example, fouled nets create twice the tidal resistance than clean nets. These parameters may also change throughout the season, therefore, a thorough site analysis is recommended before this type of culture is attempted. Use of a second larger mesh net outside the confinement nets will aid in limiting predation and escapes. Because the pens are continually submerged, the material used for construction must be resistant to corrosion and weather well. Disease control is also very difficult, and labor requirements are high.

## 2.5 Recirculating Systems

As the name implies, recirculating systems filter and reuse all or a portion of their water. Currently, this technique is in very limited use due to its high start-up and maintenance costs. It has several advantages, however, in that this system is highly desirable in areas where a constant water supply may be questionable or a discharge is not appropriate. Additionally, other advantages of this type of system are the ability to incorporate the growth of a second product through hydroponics and the use of settled material as fertilizer. As the technology evolves and water withdrawal and discharge requirements become more stringent, this technique is bound to see an increase in utilization. Most closed systems consist of four primary components: culture chambers, a primary settling chamber, biological filters and a clarifier or secondary settling chamber. These systems can vary in size from a compact portable unit to warehouse-sized buildings. The culture chambers are generally tanks or raceways. Multiple culture chambers may be linked to the remaining components. The effluent from the culture chambers then flows into the settling chambers. Settling chambers are designed to slow water flow to allow particulate matter to settle. Water then exits the settling chamber and enters the biofilters. Biofilters remove dissolved metabolites and convert ammonia, which is lethal to fish, to nitrate. A secondary settling chamber may be employed to remove suspended materials that may pass through the biofilter. Upon exiting the biofilters, the flow reenters the culture chambers to complete the loop. Systems which replace water at regular intervals but also recirculate a portion of their water are referred to as semi-closed systems. As a result of small losses of water due to evaporation, leakage, etc. all closed systems require replacement of small amounts of water either continually or intermittently. The obvious drawbacks to this type of system are high initial start-up costs and large amount of space required for most systems.

### **3. COMMERCIALLY IMPORTANT FINFISH**

The following information on commercially important finfish is found in Boschung et al. (1983), Scott and Crossman (1973), Scarola (1973), Tomelleri and Eberle (1990), Clayton et al., Lee et al. (1983), and Page and Burr (1991).

Currently, there are eleven major fish species cultured in significant numbers in Massachusetts. They are the Atlantic salmon, bluegill, brook trout, brown trout, channel catfish, golden shiner, hybrid striped bass, koi, largemouth bass, rainbow trout, and tilapia. The American eel also has potential in the aquaculture industry. These species run the gamut from those native to the Commonwealth such as brook trout and Atlantic salmon to truly exotics such as the African tilapia. The reasons for culturing these species are as varied as the fish themselves. From recreational fishing to food to restoration efforts, aquaculture in the northeast is growing rapidly and shows promise for continuing expansion in the future. Following are summaries of life histories and environmental requirements for these species.

#### **Atlantic Salmon**

The distribution of Atlantic salmon (*Salmo salar*) includes the basin of the North Atlantic Ocean from the Arctic Circle to Portugal in the eastern Atlantic, from Iceland and southern Greenland, and from the Ungava region of northern Quebec south to the Connecticut River. Atlantic salmon are anadromous fish in that part of their life cycle occurs in saltwater and part in freshwater. Atlantic salmon were extirpated in Massachusetts due in part to overfishing, pollution, dam construction and habitat loss. As a result of a joint effort between the MDFW and other cooperating agencies to restore Atlantic salmon, they now occur in 9 of the state's 32 watersheds.

The life cycle of the Atlantic salmon begins when females deposit up to 8,000 eggs in redds (nests) constructed in the gravel substrate of clean, well oxygenated streams in October and November. The eggs hatch in the spring, where the sac-fry (or alevins) remain in the gravel until the yolk-sac has been completely absorbed. The young salmon (now referred to as parr) remain in the streams from one to three years. At this time, the juvenile salmon undergo physical changes which prepare them for their migration to the ocean. At this stage they are referred to as smolts. Salmon return to spawn after spending two winters at sea. They return primarily in May and June and attempt to reach the same streams they left as smolts. The summer months are generally spent in deep pools prior to spawning in the fall. They then return to the ocean in late fall or early spring. Parr and smolts in streams feed primarily on aquatic insect larvae. While at sea, Atlantic salmon eat crustaceans and fish. Adult salmon do not feed from the time they enter fresh water to spawn until they return to salt water in the late fall or spring.

Atlantic salmon are cultured extensively at state, federal and private facilities throughout the northeast for restoration efforts, recreational fishing opportunities and as a food fish. Under culture conditions, Atlantic salmon eggs should be incubated at 42° F. Upon hatching, the temperature should be dropped to 38 F until the sac fry begin to accept prepared food. At this point the temperature should be raised to 50° F then slowly increased to a final maintenance temperature of 60° F. The pH should be greater than 6 and dissolved oxygen levels should remain above 7 ppm.

### American Eel

The Atlantic distribution of the American eel (*Anguilla rostrata*) includes the entire eastern seaboard of the United States, southeastern Canada, and the gulf of Mexico. They are as far inland as the Great Lakes.

Although currently not popular as a food fish in the United States, American eels are considered a delicacy in European and Asian countries. Traditionally, fish were harvested from the wild at edible size but young eels have recently been captured and cultured to market size.

American eels are catadromous species, meaning that they spend their juvenile life in fresh water and migrate to the ocean to spawn. Adult eels move from rivers into the ocean in the fall, travelling to the southwest part of the North Atlantic, called the Sargasso Sea. After spawning, the adults die and the eel larvae travel on ocean currents back toward the mainland, feeding and growing along the way. The eel larvae undergo metamorphosis from the leptocephalus larvae to a glass eel stage and finally, when pigment forms, the elver stage. The elvers reach stream mouths in the Spring and travel up the rivers.

### Bluegill

The distribution of bluegills (*Lepomis macrochirus*) includes most of southern Canada and the United States east of the Rocky Mountains. It has been introduced throughout the United States and northern Mexico. As a result of early stocking as a forage fish, it is widely distributed in Massachusetts occurring in 30 of the state's 32 watersheds.

Bluegill prefer clear warm pools of streams, lakes and ponds usually inhabiting shallow, weedy waters. Bluegills generally travel in schools at depths from one to twenty feet. Their diet consists mainly of aquatic insects, but they will also consume small fish and eggs and aquatic vegetation. Bluegills spawn in spring and summer in shallow water. If water temperatures remain high, spawning may continue into early fall. As with other members of the sunfish family, the male excavates a shallow nest preferably on gravel substrate. Males then guard this nest while tempting females to lay eggs. A large female may produce as many as 27,000 eggs

spread out over several nests. The fry are generally guarded by the male for a short period prior to their dispersal.

Bluegill are the most common sunfish and a highly prized game fish throughout the United States. They are cultured in private facilities mainly to provide recreational fishing on site or for stocking as a forage fish in smaller ponds with species such as largemouth bass. Under culture conditions, optimal temperatures for embryo development are 72-81° F while 81° F is optimal for growth of adults. The pH should remain between 6.5 and 8.5 for all life stages and although dissolved oxygen levels of less than 1.0 ppm may be tolerated for short periods, a level of greater than 5.0 ppm should be maintained.

### **Brook Trout**

The distribution of brook trout (*Salvelinus fontinalis*) includes northeastern North America from the Atlantic seaboard south to Cape Cod, the Appalachian Mountains southward to Georgia, west in the upper Mississippi and Great Lakes drainage to Minnesota and North to Hudson Bay. Their natural range has been greatly expanded through artificial propagation. In Massachusetts, brook trout can be found in 31 of 32 watersheds.

Brook trout occur in a wide variety of habitats from small streams to large lakes. Their only true requirements are a year-round supply of cold, well oxygenated water and areas of gravel on which to spawn. As water temperatures rise, stream dwelling brook trout may move downstream to larger bodies of water. Brook trout diet consists of a wide range of aquatic and terrestrial insect and larvae with occasional plant material. Brook trout spawn in late summer or autumn generally in the shallow headwaters of streams or along gravel bars of lakes. Females clear away debris by rapidly fanning the substrate with their tail. Upon completion of spawning, the female covers the eggs with gravel in much the same way she cleared the redd. The number of eggs produced by a female is dependent on body length but may be as high as 5,000. The eggs develop through the winter hatching in about 140 days.

Brook trout are raised in large quantities by state facilities for stocking into public lakes and streams. They are also cultured in private facilities for both recreational fishing on site and for stocking into private ponds. Additionally they are utilized by the supermarket and restaurant trade as a food fish. Under culture conditions, brook trout should be maintained at a temperature of about 59° F for optimal growth. The pH should remain close to neutral with an acceptable range of 6.7 to 8.2. As with most salmonid species, dissolved oxygen levels should remain above 5.0 ppm.

## Brown Trout

The distribution of brown trout (*Salmo trutta*) includes Iceland, the British Isles and the Eurasian mainland from Cape Kanin to the Aral Sea and Afghanistan westward throughout Europe. Brown trout have been widely introduced into many parts of the world. As a result of stocking beginning in the late 1800's, they are widely distributed throughout Massachusetts occurring in 25 of 32 watersheds. The habitat requirements are essentially the same as for brook trout, however brown trout are slightly more tolerant of higher water temperatures. They have been found to survive in waters as high as 80° F. They are frequently found in the slower, deeper pools of streams where they coexist with brook trout. The diet of young brown trout consists of a wide variety of aquatic and terrestrial insects and their larvae as well as fish and other vertebrates. Larger fish feed mainly during the twilight and nighttime hours with fish and crayfish playing a much more important role in their diet. Brown trout spawn in late autumn to early winter as water temperatures approach 45° F. Spawning habitat is essentially the same as for brook trout, namely shallow gravelly headwaters. Generally brook trout have completed spawning before brown trout begin, however. The number of eggs produced by a single female is dependent on body size but ranges from 2,000 to 6,000. The eggs develop over winter in the gravel and hatch in the spring.

Brown trout are cultured in large numbers in state facilities for stocking into public waters. Culture also occurs in private facilities mainly for recreational fishing on site and for stocking into private ponds. Under culture conditions, the optimal temperature range for embryo development is 41 to 55° F. For adults, a temperature range of 54 to 66° F should be maintained. The pH should remain between 6.8 and 7.8 while dissolved oxygen levels should be above 5.0 ppm.

## Channel Catfish

The distribution of channel catfish (*Ictalurus punctatus*) extends from the St. Lawrence and its tributaries in Quebec, south, west of the Appalachian Mountains, to southern Georgia and Central Florida, west through the Gulf states to eastern Texas and northern Mexico, northwest through the eastern part of the states from New Mexico to Montana, east to the Red River System in Manitoba, southwestern Ontario, southern Minnesota, Wisconsin and Michigan and through Ontario and Quebec at the level of Lake Nipissing. A limited stocking program has introduced channel catfish into 14 of the states 32 watersheds.

Preferred habitat for channel catfish includes lakes and larger rivers in slow to moderate current over sand, rubble or gravel bottoms. They are most active at night generally seeking shelter in bottom structure during the day. Young channel catfish feed primarily on aquatic insects while adults eat a wide variety of both plant and animal matter. Spawning behavior begins as water temperatures approach 75° F. Males excavate the nest and aerate and clean the eggs. A single female may produce

up to 30,000 eggs. Eggs hatch in 5-10 days depending on water temperature. Males may guard the young prior to dispersal.

Channel catfish are one of the most important freshwater species cultured in the United States, particularly in the south. They are currently cultured in private facilities in Massachusetts for recreational fishing on site and for stocking into private ponds. Under culture conditions, channel catfish may reproduce naturally in culture ponds or be spawned and reared in captivity with the resultant fingerlings released into ponds for grow-out. Optimal temperature for maximum growth of channel catfish is 85° F. The pH should remain at neutral (7.0) while dissolved oxygen levels should be maintained above 5.0 ppm.

### **Golden Shiner**

The distribution of the golden shiner (*Notemigonus crysoleucas*) includes virtually all of the United States and southern Canada east of the Rocky Mountains. Additionally, it occurs west to the Dakotas and Texas. In Massachusetts, it is widely distributed occurring in all but one of the 32 watersheds.

The preferred habitat of golden shiners includes shallow, weedy, quiet regions of lakes and ponds where they move in large schools. Wherever they occur, they are a primary food source for black bass, chain pickerel and other game fish. Golden shiners are midwater and surface feeders where they consume a wide variety of plant and animal matter. The diet is consistent from young to adult and includes, among many other items, aquatic and terrestrial insects and their larvae.

Filamentous algae becomes important in late summer. Spawning is initiated as water temperatures approach 68° F. It may be protracted and continue throughout the summer. The adhesive eggs are scattered over beds of submergent vegetation in shallow, quiet areas of lakes and streams. A single female may produce up to 200,000 eggs and may spawn more than once during the breeding season.

Golden shiners are currently the most important species to the Massachusetts bait fish industry. Culture of golden shiners in Massachusetts consists primarily of importation of a variety of sizes (mainly from Arkansas) which are maintained on site for resale as a bait fish.

### **Hybrid Striped Bass**

Hybrid striped bass are a cross between striped bass (*Morone saxatilis*) and white bass (*Morone chrysops*). Pure strain white bass and striped bass are currently not cultured in Massachusetts. Although a population of hybrids is not capable of self sustaining, it may backcross with either striped bass or white bass. Life history information for striped bass and white bass is presented here in reference to the culture of hybrid striped bass in Massachusetts.

Striped bass are anadromous fish associated with coastal streams when in freshwater. They occur along the Atlantic coast from the St. Lawrence River to the St. Johns River, Florida as well as the Gulf of Mexico and tributaries in Alabama, Mississippi and Louisiana. Their distribution in Massachusetts is limited to eight of 32 watersheds associated with large coastal river systems.

As with the Atlantic salmon, striped bass spend the majority of their life cycle in saltwater, returning to freshwater streams to spawn. With the exception of migrations, striped bass are found near shore generally in salt and brackish waters. Striped bass appear in Massachusetts coastal waters in late spring to early summer. During this time, they may enter estuarine and freshwater systems. In the fall, striped bass migrate south to overwintering grounds, however, some individuals may overwinter in Massachusetts in freshwater rivers. During these migrations, they represent one of the most important recreational fish species in Massachusetts. When in coastal waters, striped bass are voracious feeders foraging on fish, crustaceans and polychaetes. While in freshwater, their diet consists mainly of small fish such as herring, menhaden, shad and alewives. Striped bass spawn in large, rapidly flowing rivers in the spring with a peak occurring at about 18° F. Large, semibuoyant eggs are broadcast and drift with the current. A single female may produce up to a million eggs. The eggs hatch within two to three days depending on water temperature. Juvenile striped bass may remain in freshwater for up to two years before migrating to saltwater.

The distribution of white bass includes the St. Lawrence River west through the Great Lakes states from New York to Minnesota, west to South Dakota and south in the Ohio and Mississippi valleys to the Gulf of Mexico. Its natural range has been greatly enhanced as a result of stocking. Currently, there are no populations of white bass in any watersheds in Massachusetts.

White bass are generally found in schools in the upper water column of large streams, lakes and reservoirs. They prefer clear water and tend to be found over sand, rock or gravel bottoms. The diet of young white bass consists of small crustaceans, insect larvae and fish. Fish make up the bulk of the diet for adults. Prey items are located visually, thus their tendency to be found in clear waters. Spawning commences in the spring as water temperatures approach 55-60° F. At this time, large schools begin to make inshore movements to shoals and estuaries. Adhesive eggs are fertilized as they are broadcast into the substrate. Here they attach to vegetation, gravel, boulders etc. A single female may produce up to 500,000 eggs. At spawning temperatures, eggs generally hatch within 46 hours.

Hybrid striped bass are cultured in private facilities mainly for supply to the restaurant and supermarket trade as a food fish. Currently, hybrid striped bass culture in Massachusetts begins with fingerlings imported from out of state. Under hatchery conditions, these fingerlings are reared at 79° F in hard water. The pH should be maintained at between 6.5 and 8.5 and the dissolved oxygen level should

remain above 6.0 ppm. There is also some limited grow-out of these hybrids occurring in culture ponds.

## Koi

Koi are a color variant of common carp (*Cyprinus carpio*). The distribution of carp includes temperate portions of Asia and Europe. It was widely introduced into North America by the U.S. Fish Commission in the mid 1800's. They occur in 16 of 32 watersheds in Massachusetts scattered throughout the state.

Carp do best in warm, shallow impoundments with abundant vegetation. They are tolerant of extremes in temperature and low dissolved oxygen. In addition, they fare well in areas of poor water quality. Carp feed on a wide variety of plant and animal matter. They are capable of taking food items floating at the surface, but generally root in soft substrate and pick out food items from the resultant cloud of silt.

Spawning commences in early spring as water temperatures approach 63° F. Large congregations move to shallow, weedy waters then break up into smaller groups of several males to one female. A single female may produce up to 2,000,000 adhesive eggs which are broadcast and adhere to submerged vegetation. Eggs hatch within 3-6 days depending on water temperature.

Koi are cultured in private facilities for sale as an ornamental fish for stocking into private ponds or for the aquarium trade. Under culture conditions, optimal growth for young koi is between 81 and 93° F, while 68 to 82° F is optimal for adults. The pH should remain between 6.8 and 7.5, and while koi are capable of surviving in warm waters with low oxygen, dissolved oxygen levels should remain above 5.0 ppm for good growth.

## Largemouth bass

The native range of largemouth bass (*Micropterus salmoides*) includes the lower Great Lakes, the central part of the Mississippi River system south to the Gulf Coast, Florida and north on the Atlantic coast to Virginia. As a result of its popularity as a game fish, the largemouth bass may now be the most widely introduced of fish in North America. It occurs over virtually the entire Atlantic coast from Maine to Florida, west to Texas and northeastern Mexico, north through the eastern parts of the states from New Mexico to North Dakota and east across southern Canada to western New York. Additionally, it has been introduced throughout the UK, Europe, South Africa, Hong Kong, the Philippines and Brazil. Largemouth bass are widely distributed throughout Massachusetts occurring in all 32 watersheds.

Largemouth bass are predominantly found in shallow, small lakes and bays of larger lakes and in large, sluggish rivers. In all cases, they generally occur over soft substrates typically associated with structure. Largemouth bass feed from the surface, water column and bottom on a variety of food items. Young bass eat primarily

aquatic insects with fish, mollusks and crayfish playing an important role in the diets of adults. Largemouth bass spawn from late spring through mid-summer as water temperatures approach 60° F. Males construct a 2-3 foot nest over gravel in shallow, protected areas which they defend vigorously. A single female may produce from 2,000 to 10,000 eggs and may spawn with several males on different nests. As with other sunfish species, the male defends the nest and fans the eggs to ensure they are well oxygenated. Eggs generally hatch within a week to ten days. The fry remain in a brood guarded by the male for several weeks prior to dispersal.

Largemouth bass are cultured at private facilities for recreational fishing on site and for stocking into private ponds. Under culture conditions, largemouth bass may be spawned and reared artificially or allowed to reproduce in culture ponds with the resultant young moved to other ponds for grow-out. Optimal temperature for growth of largemouth bass is between 75 and 86° F. Although largemouth bass may survive short exposures to pH as low as 4.0, for best growth, pH should remain between 6.5 and 8.5. As with Ph, largemouth bass can survive brief exposure to low dissolved oxygen levels, optimal growth however, occurs at dissolved oxygen levels above 5.0 ppm.

## Rainbow Trout

Rainbow trout (*Oncorhynchus mykiss*) originally occurred in the eastern Pacific Ocean and freshwater west of the Rocky Mountains from northwest Mexico to the Kuskokwim River, Alaska. As a result of introductions outside its range, rainbow trout are now found throughout North America. Additionally, sea-run forms, referred to as steelhead trout, migrate to saltwater then return to freshwater to spawn. They are widely distributed throughout Massachusetts occurring in 23 of 32 watersheds.

As with all trout, rainbow trout do best in cold, well oxygenated waters. As with brown trout, however, they are much more tolerant of warmer temperatures than brook trout. They are capable of surviving in waters as high as 85° F provided the water remains well aerated. They occur both in lakes and rivers with moderate flow and gravel substrate. Young fish are generally found in riffle sections of rivers and streams while older fish frequent quiet, deeper pools. Rainbow trout generally feed off the bottom foraging on virtually all aquatic insects and their larvae that occur in their habitats. Where they occur in lakes, fish can become a primary food item.

Spawning commences in early spring as water temperatures approach 50° F. Spawning takes place in smaller tributaries of rivers or inlet and outlet streams of lakes and ponds. As with other trout, the female excavates a nest in gravel generally in a riffle above a pool. Eggs are broadcast into the nest then immediately covered with gravel by the female. Egg numbers may be as high as 12,000 per female. Eggs hatch within two months depending on water temperature with the resulting alewife becoming free swimming within seven days.

Rainbow trout are cultured in large numbers at state facilities for stocking into public waters. Culture also occurs in private facilities for recreational fishing on-site, stocking into private ponds and as a food fish for the restaurant and supermarket trade. Culture conditions for rainbow trout are identical to those of brook trout.

Temperature should be maintained at about 59° F for optimal growth. The pH should remain close to neutral with an acceptable range of 6.7 to 8.2. As with most salmonid species, dissolved oxygen levels should remain above 5.0 ppm.

## Tilapia

Tilapia (*Tilapia sp.*), which includes about 80 different species, were originally found throughout the African continent. As a result of transplants, particularly in extreme southern United States, they are now found outside their native range. Due in part to their inability to survive at temperatures much below 50° F, they are not found in Massachusetts' waters.

Tilapia are generally found in warm, shallow, turbid waters of rivers and lakes. They are herbivores feeding mainly on plankton, filamentous algae, aquatic macrophytes and other vegetable matter. In the wild, tilapia spawn year round with females producing up to 1,200 eggs. There are two types of spawners, substrate or mouthbrooders, depending on the species. Substrate spawners, as the name implies, broadcast eggs into the substrate. With mouthbrooders, the female incubates the fertilized eggs and resultant fry in her mouth to guard them against predation. Eggs generally hatch within seven days.

Tilapia are cultured in private facilities for sale as a food fish to the restaurant and supermarket trade. Under culture conditions, broodstock are held on site and spawned to produce eggs. Mouthbrooders are generally used as broodstock due to their large fry clusters and successive breeding cycles. Under ideal conditions, females may spawn every seventeen days. The eggs and resultant fry are maintained at a temperature of 80 to 84° F. The pH is maintained at 7.5 to 7.8 while dissolved oxygen levels should remain at or above 8.0 ppm. Under these conditions, market sized fish (1/2 lbs.) can be obtained in about seven months.

## 4. FISH HEALTH

Fish diseases constitute one of the most important problems and challenges confronting fish culturists. Fish diseases do not occur as a single caused event but are the end result of interactions of the disease, the fish and the environment. Fish in intensive culture are continuously affected by environmental fluctuations and management practices such as handling, crowding, transporting, drug treatments, undernourishment, fluctuating temperatures, and poor water quality. All of these factors can impose considerable stress on the homeostatic mechanisms of fish rendering them susceptible to a wide variety of pathogens. Parasites, viruses, and bacteria are all causes for concern to aquaculturists. Many of these pathogens are easily treatable and are not transferrable to humans. On the other hand, there are fish diseases that are not treatable and cause widespread mortality both in the hatchery and wild fish. Disease also reduces hatchery efficiency and production, which in turn, increases costs and reduces profit.

Another major issue pertaining to fish health is the concern over the introduction of infectious diseases, particularly those that are not endemic to the area, through fish culture facilities to wild fish populations. The impacts of infectious diseases are generally misunderstood or seriously underestimated, and it is not uncommon to find resistance to their assessment and control. Many of the fish health programs, guidelines and regulations are simply regarded as another bureaucratic impediment and cost placed in front of the aquaculture industry. This attitude is due, in part, to the "old school of thought" that significant epizootics rarely if ever occur in wild populations and to the abiding faith that once fish are released into the wild they will recover. Wild fish stocks can become infected and suffer high mortalities through the release of pathogens in untreated hatchery effluent or through the stocking or escapement of diseased fish into aquatic systems.

For example, the State of Colorado stocked hatchery-reared trout known to be infected with whirling disease (*Myxobolus*) on a population of wild trout in a major Colorado river fishery. Result: the wild population was infected and suffered high mortalities. Three state fish & wildlife officials lost their jobs for introducing the disease infected fish.

A state fish hatchery in Paradise, Utah, withdraws water from the Little Bear River for culture purposes and discharges it back into the river. Biologists were made aware of deformed wild fish in the Little Bear. Upon investigation 8 - 22 percent of the native population had been infected by the disease *Myxobolus*. The source of disease was traced back to the Paradise Hatchery.

In Michigan, a pathogen-contaminated hatchery discharging into a nearby river infected the wild fish population in that river. All fish in the hatchery and river were eradicated to prevent further spreading of the pathogen throughout the watershed.

Closer to home, the state of New York last year ordered that 43,000 pounds of fish be destroyed from four state hatcheries because they were infected with whirling disease. This same disease is also now plaguing state fish hatcheries in Connecticut.

The Division of Fisheries and Wildlife considers disease a serious potential threat to the health of our public aquatic resources. Some of the measures employed by the Division at its own facilities relative to fish health include annual diagnostic inspections; standard disinfection procedures on tanks, raceway and fish hauling trucks; inter-hatchery fish movement restrictions; and requiring a fish health certificate from any facility which the Division obtains fish eggs or live fish from. The Division does not require private aquaculture facilities to have annual fish health inspections at this time. However, any private facility wanting to import fish eggs or live fish into Commonwealth must obtain an importation permit from the Division of Fisheries and Wildlife (except aquarium trade fish species as defined in our regulations - 321 CMR 9.01(2)). The applicant must provide us with a copy of a fish health certificate from the source of the importation as part of the permit application process. Although the Division does not require private facilities to have annual fish health inspections, it is in their own best interest to do so.

The following section is a description of some of the more common and hazardous pathogens encountered in freshwater aquaculture. It is by no means a complete listing of all parasites, bacteria, and viruses that may impact the health of freshwater fishes.

#### **4.1 Parasites**

Parasites can be defined as animals that live on or in another animal at the expense of that animal. Parasites are the most diverse and common pathogens the aquaculturist will likely encounter. External parasites can be found on the skin or gills of their hosts while internal parasites occupy areas such as the flesh or internal organs. Many of the common parasites to freshwater fish have complex life cycles involving more than one host, usually involving changes in life stage from one host to the next. Parasites are capable of causing damage to all hosts involved, mostly by injuring tissues or organs while burrowing or consuming food. Despite the ubiquitous distribution of many of these parasites, infestation of a host is usually limited unless the host is subjected to increased stress. Increased stress may take the form of crowding, insufficient oxygen levels, or poor water quality. The damage done to the host will usually be directly proportional to the level of infestation.

Most fish parasites would not develop in humans even if eaten raw. None are harmful to humans if the fish are thoroughly cooked. All reports of people being infected with fish parasites were as a result of ingestion of raw fish or insufficiently cooked fish. Some of the more common parasites found in freshwater fish are listed as follows:

### **Ichthyophthirius multifilis ("ich") - Ciliated protozoan:**

"Ich" is a large ciliated protozoan that is capable of infecting most species of fish. Ich can be seen by the naked eye and when full grown appears as a white spot on the fish. These parasites are commonly found in small numbers on wild warmwater fish and can also be a serious parasite of salmonids. Fish will flash or scrape on objects due to the irritation caused by the parasite. When fish are stressed, heavy infestations can occur. Heavy infestations of the gill can interfere with respiratory exchange and result in mortality, especially in fingerlings. There are no reported cases of people becoming infected with this parasite by eating fish. The parasite is difficult to control in the wild. Formalin can be used in raceways at 250 ppm, up to 1 hour. In earthen ponds: 15-25 ppm indefinitely.

### **Trichodina spp., Ambiphyra spp., Epistylis spp., Chilodonella spp., Trichophyra spp.- Ciliated protozoa:**

These ciliated protozoans can inhabit the gills and body surfaces of most species of fish. They occur in small numbers in almost all fish populations. They can cause problems when the host is subjected to undue stress, allowing heavy infestations to develop. Heavy infections are more common in aquacultural situations where fish are crowded and water quality is poor. Moderately to heavily infected fish may go off feed. The parasites can produce bloody lesions on scaled fish and erosion of fins and spines in all species. Gills can become swollen, hemorrhagic, and produce heavy mucus. Mortality can result with heavy infections. There are no reported cases of people becoming infected with these parasite by eating fish. These parasites are difficult to control in the wild. Formalin can be used in raceways at 250 ppm, up to 1 hour. In earthen ponds: 15-25 ppm indefinitely.

### **Ichthyobodo (Costia) spp.-Protozoan flagellate:**

These protozoans can inhabit the gills and body surfaces of fish. Like other protozoans, it is present in small numbers in almost all populations of fish. These can cause problems when the host is subjected to undue stress, allowing heavy infestations to develop. Heavy infections are more common in aquacultural situations where fish are crowded and water conditions are poor. Infected fish will commonly flash or scrape against objects. Infected fish may also stop eating and may gasp at the water surface. Infected fish that have been off feed for a period of time may show signs of starvation. A characteristic sign of ichthyobodiasis is excess mucus production, which has been referred to as blue slime. Sometimes complete removal of the epithelium may be seen and the pigment may be missing from the skin. There are no reported cases of people becoming infected with these parasites by eating fish. These parasites are difficult to control in the wild. Formalin can be used in raceways at 250 ppm, up to 1 hour. In earthen ponds: 15-25 ppm indefinitely.

### **Gyrodactylus spp.-Monogenetic trematode:**

These worms are ubiquitous parasites of the skin, fins, and gills of many freshwater fishes, particularly salmonids, ictalurids, and cyprinids. They exist in small numbers in almost all populations of fish and only become a problem when fish are subjected to stressful situations. Heavy infections can cause overall darkening in color in fry, erosion of the fins, obvious secretions of mucus sometimes described as blue/grey slime, and emaciation (especially in young fish). Detachment of catfish barbels due to necrosis may occur. There are no reported cases of people becoming infected with these parasites by eating fish. These parasites are difficult to control in the wild. Formalin can be used in raceways at 250 ppm, up to 1 hour. In Earthen ponds: 15-25 ppm indefinitely.

### **Neascus spp. (Black spot)-Digenetic trematode:**

These parasites encysts within the skin of many species of freshwater fish. The fish in turn, surround the cyst with a black-pigmented tissue giving rise to black spots. These parasites do not usually cause mortality, but can be very unsightly. There are no reported cases of people becoming infected with these parasites by eating fish. There is no known direct control for these parasites. Indirect control has been attempted by controlling the snails that serve as intermediate hosts to the parasites.

### **Clinostomum marginatum (Yellow grub)-digenetic trematode:**

This parasite is found in many species of freshwater fish in small numbers. Infestations are seldom extremely heavy but individual fish may be highly parasitized. The grubs are often discovered in the musculature of infected fish by fishermen and considered very unsightly. *Clinostomum* spp. has been reported to develop in the oral cavity of humans who eat infected fish that are under cooked.

There is no known control for this parasite. Indirect control has been attempted by controlling the snails that serve as intermediate hosts to the parasite.

### **Proteocephalus ambloplitis (Bass tapeworm)-Cestode:**

Although bass tapeworm is capable of infecting many species of fish, only heavy infections with adult tapeworms are believed to be detrimental. However, the plerocercoids can be much more damaging. The plerocercoids can migrate through the body cavity and internal organs causing adhesions to develop. Severe adhesions in the reproductive organs caused by plerocercoids can render female fish incapable of normal egg production. The migrating plerocercoids may actually kill small fish

by penetrating a vital organ. There are no reported cases of people becoming infected with this parasite by eating fish. There is no known control for this parasite.

#### **Posthodiplostomum spp. (White grub)-Digenetic trematode:**

These parasites exist in small numbers in many freshwater fish species. The larval forms appear as white cysts in many internal organs of fish. When the cercariae penetrate the fish , they can cause hemorrhaging at the point of entry. However, for the most part these parasites are not considered problematic, just unsightly. There are no reported cases of people becoming infected with these parasites by eating fish. There is no known control for these parasites. Controlling the snail population has been attempted.

#### **Ceratomyxa shasta (CS)-Protozoan myxosporidian:**

CS is common in anadromous fish in the Western U.S., particularly the Columbia River basin. It is capable of infecting wild and captively reared salmonid populations with juvenile rainbow and cutthroat trout being especially susceptible. The parasite manifests itself in the gut, liver, spleen, and muscle causing abdominal distension due to production of spore-containing fluid. Under no circumstances should eggs or live fish be transferred from contaminated areas. Treatment of the disease is not yet possible. Contaminated water supplies need to be filtered by ultra-violet treatment or be used to culture species other than salmonids.

#### **Myxobolus cerebralis - "whirling disease" -Myxosporidian:**

This parasite infects the head cartilage of salmonids and is responsible for major economic impacts to trout culture in Europe and America. The parasite damages the cartilage and impairs balance, often causing the fish to swim in circles. The parasite is also capable, in the advanced stages of the disease, of infecting the spine, causing deformities and a change in color. Severely infected fish appear black and twisted posterior to the dorsal fin. The older the trout prior to exposure to the disease, the less the potential for mortality and severe infection. Fish at the alevins stage often suffer total mortality. Older fish will still become potential vectors for the disease by being relatively asymptomatic carriers. The myxosporidian spores are highly resistant to treatment and are long lived, making eradication, especially in earthen ponds, extremely difficult.

#### **4.2 Viruses**

Viruses are extremely small infectious agents that multiply only within the living cells of a host by using components of the host cells. They are made up of simple

genetic material and are incapable of growing in size or undergoing typical cell processes like cell division. Some of the more problematic viruses are discussed.

### **Infectious Pancreatic Necrosis (IPN)-RNA Virus:**

IPN is capable of infecting all ages of many salmonid species resulting in a chronic infection affecting many organs, particularly the kidney. This pathogen often causes severe mortalities in salmonid fry. IPN can be transmitted to the eggs from the adults (vertically) or through the water by fish excretions (urine or gametes) or by fish consuming dead fish or fish offal (horizontally). This virus has been isolated from North America, Europe, and Japan. There are no means of controlling infections in fish other than by avoiding the contraction of the virus. Eradication of the virus from a facility requires the sacrifice of all infected and presumed infected fish and proper sterilization.

### **Viral Hemorrhagic Septicaemia (VHS)-RNA Virus:**

VHS is capable of infecting all ages of salmonids. The disease usually infects rainbow trout but can also infect Atlantic salmon, brown trout, and brook trout. It may result in acute disease in under two weeks or take up to a year to manifest itself in a population. The time period depends mostly on the temperature of the water with outbreaks usually occurring below 15 degrees Celsius. The disease, which manifests itself in most highly vascularized tissues, causes the most severe mortality in fingerling trout in their first winter but will also cause mortality at other ages.

The disease becomes apparent in three stages. The first stage is characterized by high mortality in fish that are dark, lethargic and have hemorrhages at the base of fins and gills. The second stage is recognized by very dark colored, anaemic fish. Pale gills and exophthalmos is common. The third stage is characterized by atypical swimming behavior (looping) and a swollen and discolored kidney. This disease is widespread in many European countries. In the United States, thus far, the disease has only been found in the state of Washington. There are no methods to control or treat this disease once introduced.

### **Infectious Hematopoietic Necrosis (IHN)-RNA Virus:**

This virus is found in the wild in salmonid populations on the Pacific coast of North America. It can infect chinook and sockeye salmon and rainbow trout. The virus causes the most severe mortality in yolk-sac fry to two-year old fish and may inflict up to 80% mortality in infected populations when the water temperature is at 10 degrees Celsius. Infected fish exhibit lethargy and sporadic hyperactivity, dark coloration, anemia, exophthalmia, abdominal distentions, long off-white casts

trailing from the rectum, and hemorrhages at the base of fins. Disease in hatcheries is common and capable of transmitting epizootic conditions to wild populations. Epizootics have occurred throughout the United States due to transport of infected fish from the west coast. The disease has also been reported in Japan. Fish can contract the virus through direct contact with or ingestion of infected fish. Ovarian and Seminal fluids have the highest concentration of viral agents.

The virus can not be eliminated from infected or diseased fish. A rise in water temperature to 15 C will diminish acute levels of disease but only as long as the elevated temperature persists. The only way to avoid disease to prevent contamination by introduced fish, eggs and water supply.

#### **Channel Catfish Virus Disease (CCV)-DNA Virus:**

This disease occurs in fry and fingerling channel catfish when the water temperatures rise to 25-30 degrees Celsius. Other Ictalurids may also serve as carriers for the virus. Fish surviving the disease may serve as viral carriers. Effected fish will display a loss of equilibrium, spiral swimming movement, and assume a vertical position in the water column. Gill, skin, and internal organ hemorrhages and abdominal distension occur. The disease effects the liver, spleen, kidney and digestive tract. The virus is shed by diseased fish. Control of the disease is only possible by preventing infected fish or water supplies from contacting uninfected populations.

#### **4.3 Bacteria**

Bacteria are all single prokaryotic cells that break down organic material for their energy needs. All bacteria present on fish will be killed if the fish are properly cooked. Some of the more common bacterial pathogens found in freshwater fish are described here.

#### **Motile Aeromonas spp.:**

The bacteria belonging to the genus *Aeromonas*, may under certain adverse environmental conditions, cause serious conditions in most species of fish. The bacteria may also infect frogs, turtles and snakes. These bacteria are found in soil and most natural waters. *Aeromonas* spp. has been credited with causing several diseases in fish, including motile aeromonas septicemia, bacterial hemorrhagic septicemia, tail/fin rot, redsore disease and others. Clinical symptoms include, the presence of small surface lesions, local hemorrhages particularly in the gills and vent, ulcers, abscesses, exophthalmia and abdominal distension. Internally, there may be accumulation of ascitic fluid, anemia, and damage to the organs, especially the kidney and liver. Terramycin can be used to control diseases in salmonids and

catfish in aquacultural settings. The dosage regimen is 2.5 to 3.75 g/100 lb/day for 10 days.

#### **Pseudomonas spp.:**

The bacteria belonging to the genus *Pseudomonas*, are present in most natural waters and infect most species of fish. These parasites are considered opportunistic pathogens, causing disease when the host is subjected to some type of stress.

*Pseudomonas* spp. have been credited with causing pseudomonad septicemia, red spot disease, fin/tail rot, and others. Clinical symptoms include, hemorrhages in the mouth region, opercula, and ventral side of the body. Small petechial hemorrhages can occur through out body cavity. Organs such as the liver and kidney may also be affected.

Terramycin can be used to control diseases in salmonids and catfish in aquacultural settings. The dosage regimen is 2.5 to 3.75 g/100 lb/day for ten days.

#### **Flexibacter psychrophilus:**

This bacteria infects salmonid fishes and causes "Coldwater Disease", also referred to as bacterial coldwater disease, peduncle disease, or low temperature disease. The precise reservoirs of the bacteria are unclear, but it may occur naturally in the aquatic environment. This disease occurs when water temperatures are 12 C or below, however some outbreaks have occurred at temperatures of up to 16 C. This disease primarily affects juvenile fish, but infections can occur in yearlings. Skin and muscle lesions are the most common signs of this disease. Lesions are frequently seen in the peduncle area, but they may also occur on other areas of the body surface. If the fish survive long enough, they may suffer the loss of their caudal fins. Following a severe epizootic, at least two disease conditions may be observed. In the first, fish appear lethargic and later on spinal deformities and chronic mortality occur. In the second case, fish display a spiral swimming behavior, dorsal swelling, and dark pigmentation on one side of the body. There is no approved treatment for this disease.

#### **Renibacterium salmoninarum:**

This bacterial pathogen causes bacterial kidney disease (BKD). BKD is typically chronic, characterized internally by a large edematous kidney that can appear gray and corrugated. The kidney often exhibits off-white lesions that vary in size and number. The lesions sometimes occur in other organs such as the liver and spleen. Externally, fish can appear normal or they can exhibit one or more of the following signs: exophthalmos, abdominal distension, skin petechiation, and vesicles in the skin.

*Renibacterium salmoninarum* has been detected in both wild and hatchery fish and may be transmitted both vertically and horizontally. Infections can occur at any life stage, but clinical signs are uncommon in fish less than six months old. Mortality has been reported between a wide range of temperatures. There is no approved treatment for BKD.

### **Flexibacter columnaris:**

This bacteria, capable of infecting most species of freshwater fish, causes "Columnaris Disease". The disease affects fish of all ages and occurs in warmwater conditions (14 C and up). The precise reservoirs of the bacteria are unclear, but it is thought to occur naturally in the aquatic environment. When highly virulent strains of the pathogen are involved, fish may die without any gross clinical symptoms. With less virulent strains, external lesions may occur on the body surface and gills. On scaled fish, grayish-white lesions occur on the fins, head, and trunk. If the pathogen is present in large numbers, the lesions may appear yellow or orange, reflecting the yellow-pigmented cells of the bacteria. On scaleless fish, lesions appear to be a dark blue area covered by a milky veil with a red tinge around the margin. There is no approved treatment for this disease.

### **Aeromonas salmonicida:**

This bacteria causes a condition known as furunculosis in many species of freshwater and marine fish. The disease was named furunculosis because of the formation of furuncles; boil-like lesions that occur in various tissues of the body. This organism was discovered almost 100 years ago, but the exact route of transmission is still not completely understood. The occurrence of furunculosis is generally seasonal, acute cases occur when water temperatures are about 20 degrees Celsius and chronic infections occur when temperatures are 13 degrees Celsius or lower. In acute cases, fish may darken and go off feed. Internally, the viscera are hemorrhagic, kidney tissue is very soft, the spleen is enlarged, and the liver is pale or mottled with petechiae. In chronic cases there is a more gradual onset of mortality. Externally, fish have skin lesions or furuncles, along with internal lesions.

In addition to furunculosis, *A. salmonicida* has also been implicated in other conditions, including carp erythrodermatitis and goldfish ulcer disease.

Romet-30 and Terramycin can be used to control furunculosis in salmonids in aquacultural settings. Romet-30 @ 50 mg/kg/day for 5 days. Terramycin @ 2.5 to 3.75 g/100 lb/day for 10 days.

### **Proliferative Kidney Disease (PKD):**

PKD is a pathogen that commonly effects young trout. Very little is known about PKD and its origin. Some evidence exists to link the infection of fish with the presence of an amoeba. Whole populations of young trout can be infected, especially right after introduction into a growing facility. Affected fish become dark in color, anaemic, and have some abdominal swelling. Despite impaired growth, losses are usually minimal until some other stress (grading, treatment for other diseases) is introduced. Catastrophic losses soon follow. Because of the associated losses, attempted treatment is counterproductive and not yet possible.

### ***Yersinia ruckeri* - Enteric Redmouth (ERM):**

ERM has been isolated in the United States, Canada, and Norway. An outbreak is characterized by escalating losses in cultured fish due to severe congestion and hemorrhage in the head tissues with erosion of the lower jaw being common. The spleen, kidney, and intestine can also be infected. This disease is capable of infecting all salmonids, isolations have also been made in goldfish, cisco, largemouth bass, emerald shiners, sturgeon, fathead minnows, and walleye. Crayfish and muskrats have also been found to harbor large numbers of *Yersinia ruckeri* cells.

## **4.4 Fungi**

Fungi are single celled, multinucleate organisms that secrete digestive enzymes and gain nutrition through absorption of dissolved inorganic and organic food materials. Fungi are generally considered secondary symptoms in fish as they usually only occur where other trauma, such as injury or disease, have created an opportunity for fungal infection.

### ***Saprolegnia* spp.:**

*Saprolegnia* is a ubiquitous fungus and inhabits all freshwater. It invades most species of fish that have been subjected to some type of stress. It is also capable of infecting insects and amphibians. Handling injuries, malnutrition, temperature shock, external parasitism, and spawning increase the susceptibility of fish to infection by *Saprolegnia*. There is potential for infection whenever fungal zoospores are present in excess of 23,000 spores/liter. Infections left unattended can result in high mortality. *Saprolegnia* appears as white cottony tufts of non-septate filaments on the skin and other surfaces of infected fish. Fish eggs are highly susceptible to this pathogen.

Treatment consists of formalin at 1000 to 2000 ug/L for 15 minutes for salmonid and esocid eggs. There is no approved treatment to control *Saprolegnia* on fish.

## 5. AQUACULTURE DRUGS AND CHEMICALS

The use of therapeutic drugs in aquaculture is one of the single most important issues facing aquaculture operations across the country. The crisis is the lack of properly approved drugs to reduce disease-related mortality and improve production efficiency and product quality on both public and private aquaculture facilities. Public concerns about human food safety, human health, and environmental impacts have resulted in increasingly strict interpretation and enforcement of regulations by the U.S. Food and Drug Administration. Such actions have drastically curtailed the availability and use of drugs essential to maintain fish health in hatcheries. Lack of approved drugs and chemicals dramatically reduces the effectiveness and increases the cost of fish production. Over 30 species of fish and shellfish are cultured for food in the U.S. The on-farm value of these animals was estimated at \$1 billion for 1992 and the total annual economic activity generated by aquaculture for food at over \$8 billion. In addition, some of the fish from private aquaculture are used in public and private recreational fisheries. Baitfish and aquarium fishes add at least \$150 million to the value of private sector aquaculture. Some estimates place the economic impact of the aquarium fish industry at over \$500 million. Many of the \$50-60 billion U.S. recreational fisheries, as well as some commercial fishing, depend upon the production from the 78 federal and 438 state fish hatcheries. Losses to uncontrolled diseases in these facilities have been estimated to be 10-25 percent of the total production, and have exceeded 90 percent in some situations.

Drug and chemical manufacturers are reluctant to undertake the FDA-mandated approval protocols because the \$3.5 million expected cost per drug is not warranted by market potential for these products. Only 3 therapeutic (formalin, terramycin and Romet-30) and one anesthetic (MS-222) drugs are currently approved and available to aquaculturists. To address this problem, 39 state fish and wildlife agencies, including the Division of Fisheries and Wildlife, have entered into an unprecedented cooperative agreement. Each agency is contributing \$100,000.00 over the next 5 years to support efforts to fully certify a few essential drugs that are already being used in aquaculture operations under special F.D.A. provisions. Appeals are being made to the 11 other states that are not yet signatories to the cooperative agreement. The total combined contribution of all the states is still just a fraction of the cost needed to register these drugs with the F.D.A. Despite the fact that the private sector has a vested interest in this matter and will benefit directly, they have contributed little financially to these efforts. Private aquaculture needs to expand its commitment to these efforts and make a good faith effort to generate a stable funding strategy for aquaculture drug approvals.

## 6. GENETICS AND EXOTICS

Cultured fish commonly represent genetically exogenous populations or crosses between them. In addition, the genetic makeup of cultured populations has frequently been altered as the result of inbreeding, selective breeding, or domestication. Biotechnologies are also now making it possible to genetically manipulate aquatic organisms to promote economic advantages through increased growth rates so that aquaculture food production is more efficient and profitable. For example, researchers at Fisheries and Oceans Canada in West Vancouver have altered the DNA of Pacific Salmon to create fish that are on average, more than 11 times larger than their natural counterparts (Vames 1995). Thus, cultured fish can represent distinct gene pools and their escape or intentional release into the wild could adversely impact natural populations.

For instance, the Division of Fisheries and Wildlife, in partnership with other state and federal agencies and the private sector, have been working for over 20 years to restore Atlantic salmon to southern New England. These fish are now returning in the low hundreds to the Connecticut and Merrimack Rivers. In contrast, the numbers of pen-reared Atlantic salmon in Maine far outnumber wild fish returning to Massachusetts, to all of New England and in the entire North Atlantic combined. With so few salmon returning to the rivers, any "catastrophic event" causing a massive release of pen-reared salmon could result in a significant degree of genetic contamination to those wild stocks. Even a "slow trickle" of pen-reared fish escaping could have a negative impact over time on natural salmon populations.

The escape or release of exotic fish species and other aquatic organisms cultured for food, management or recreation can also have serious ecological consequences for native flora and fauna. Besides the possible genetic implications, impacts resulting from escaped or intentionally released aquatic species may include habitat, trophic, and distributional alterations as well as the introduction of parasites and diseases.

Regulations are important to safeguard wild populations from escaped, released or exotic aquaculture species. The Division of Fisheries and Wildlife's new aquaculture regulations address the issue of exotics in the permitting process. Species permitted to be cultured are based on the type of facility (closed vs. open system), the location of the facility, and the species found in the watershed.

## **7. STATE AND FEDERAL AQUACULTURE FACILITIES**

Fish hatcheries in Massachusetts play a major role in providing some of the finest freshwater fishing found anywhere in the Northeast. Freshwater fishing is big business in Massachusetts. According to the 1991 U.S. Fish and Wildlife Survey, freshwater anglers in the Commonwealth spend over \$100 million each year to pursue their sport. That generates some \$8 million in state sales and income taxes while supporting approximately 3,000 full time jobs. In addition to recreational fishing, hatcheries are critical to restoring Atlantic salmon to their native watersheds in the Commonwealth.

### **State Facilities**

Bitzer, McLaughlin, Sandwich, and Sunderland hatcheries use tank, pond, and raceway culture to annually produce 450,000 to 500,000 pounds of brook, brown, and rainbow trout. These fish are subsequently stocked into ponds, lakes, rivers, and streams during the spring, fall and winter across the Commonwealth to provide fishing opportunities all year long.

Roger Reed Hatchery in Palmer is dedicated to producing Atlantic salmon, landlocked salmon, and northern pike. Annually, some one million Atlantic salmon fry are produced as part of the Division of Fisheries and Wildlife's effort to restore Atlantic salmon to their native habitats. The Palmer facility also holds Atlantic salmon broodstock for egg and fry production. Other products from this hatchery include 10,000 to 12,000 northern pike fingerlings (10-12") that are cultured in tanks at the station and then stocked into several waters statewide to enhance trophy fishing opportunities and nearly 10,000 landlocked salmon fry used to maintain a recreational fishery in Quabbin Reservoir.

### **Federal Facilities**

Massachusetts also has two federal hatcheries that are involved in the Atlantic salmon restoration efforts. The Richard Cronin National Salmon Station holds, spawns, and reconditions Atlantic salmon captured at the fishways on the Connecticut River. The Attleboro National Fish Hatchery holds sea-run fish for spawning, incubates the eggs, and produces fry. The Berkshire National Fish Hatchery is currently not in use.

## **8. LEGAL AND REGULATORY ISSUES**

There are several levels of regulatory control that emanate from a multi-agency approach to permitting aquaculture facilities in Massachusetts. Local, state, and federal permits are used to meet the mandates of all regulatory authorities. Each situation or aquaculture facility will have different permits to obtain based on their location, size, and activities. The following is a summary of the agencies and organizations involved in the permitting process of inland aquaculture operations.

### **8.1 Local Organizations**

Conservation Commissions, as established in MGL 40:8C, serve to promote and develop natural resources and to protect the watershed resources of their respective towns. Conservation Commissions are responsible for the implementation of the provisions found in the Massachusetts Wetlands Protection Act (MGL 131:40) and will determine if work to be done to an aquaculture facility is significant to 1) public or private water supply, 2) groundwater supply, 3) flood control, 4) storm damage prevention, 5) prevention of pollution, 6) protection of land containing shellfish, 7) protection of wildlife habitat, or 8) protection of fisheries.

Conservation Commissions are most commonly involved with three related permitting processes: Notices of Intent, Determinations of Applicability, and Orders of Conditions.

New aquaculture facilities located within 100 feet of a wetland resource need to file a Notice of Intent (NOI) with the local Conservation Commission. If the applicant has any questions about the jurisdiction of the Wetlands Protection Act, they can request a Determination of Applicability.

After the applicant submits the necessary information to the Conservation Commission, including any additional information requested by the Commission, the Commission will schedule a public hearing, review all relevant information, and then issue an Order of Conditions. The Order of Conditions, which either approves or denies the project may be appealed to the DEP regional wetlands office.

### **8.2 State Agencies**

#### **8.2.1 Division of Fisheries and Wildlife**

Massachusetts General Law (MGL) chapter 131 provides the primary authority for regulation of inland aquacultural activities. The statute uses general terminology to provide state agency authority over such activities as recreational fishing, importation and liberation of fish, and permitting of aquacultural facilities. The Division of Fisheries and Wildlife (DFW), operating under this chapter and its mandate to protect, conserve, restore, and manage the biological resources of the

state, has the authority to make the rules and regulations necessary to carry out the provisions of MGL 131.

Anyone intending to possess, maintain, culture buy or sell any live fish (except aquarium trade fish as defined in 321 CMR 9.01) in freshwater must have an aquaculture permit issued by the DFW. Section 23 of Chapter 131 sets the guidelines by which inland aquaculture permits are issued in the Commonwealth. This section outlines the types of licenses that are available and a general description of those licenses. Section 24 is also directly relevant to inland aquaculturists as it lists some requirements for selling fish as food.

Although sections 23 and 24 are the most relevant to inland aquaculture, the regulatory authority of the DFW stems from sections 4, 5, 23, 24, 26, 30, 49, 50, 51, and 52(a).

Chapter 321, section 4.09, of the Code of Massachusetts Regulations (CMR) outlines the regulations governing inland aquaculture in Massachusetts. These regulations were revised in August of 1994 to provide a more streamline, efficient process for issuing aquaculture permits (See Appendix). These regulations use a "watershed approach" to permitting inland aquaculture operations in Massachusetts. Species that are ubiquitous in Massachusetts (occur in greater than or equal to 95% of the watersheds) may be cultured in any watershed. Species that are not ubiquitous can be grown only in the watersheds where they occur unless the facility growing the fish meets a set of strict criteria. Some of these criteria include facility location restrictions, structural requirements for the fish holding facilities and discharge water requirements. The strict requirements are designed to ensure that cultured fish are separated physically and biologically from wild fish. Uncommon or entirely exotic fish species pose an increased risk to the native species if they were to escape into the wild.

### **8.2.2 Massachusetts Environmental Policy Act (MEPA) Unit**

The MEPA unit is responsible for ensuring that the provisions of the Massachusetts Environmental Policy Act (MGL chapter 30:61-62H) are met before any state permits are issued. The regulations concerning this provision are found in 301 CMR 11.00. The MEPA Unit reviews activities for environmental impacts. Certain thresholds, usually triggered by the size of the project and the type of activity, determine if the provisions of MEPA need to be invoked. MEPA review will usually take place if the following conditions exist:

1. The project involves an Area of Critical Environmental concern (ACEC) and the project action is appealed to the DEP.

2. The project results in the dredging, filling, alteration, or removal of one or more acres of bordering vegetated wetlands, or ten or more acres of any other resource area protected by wetlands regulations.
3. The project needs a superseding Order of Conditions from the DEP and includes: any fill or structure within a regulatory floodway of rivers or streams delineated under the National Flood Insurance Program; alteration of a primary dune; construction in a velocity zone on a barrier beach; armoring of a coastal bank; alteration of 1000 square feet or more of salt marsh, 5000 square feet or more of a bordering vegetated wetland, or .5 acre or more of any other area subject to the wetlands protection act.
4. The project is located in an ACEC and needs a state permit listed in the thresholds (301 CMR 11.26).

If a review is necessary, the aquaculturist will need to file an Environmental Notification Form (ENF) that describes the proposed project, the potential environmental impacts, and the alternatives available that would avoid or minimize damage to the environment. An ENF must be filed for any discharge to a Class surface water or Outstanding Water Resource. The MEPA Unit would then publish and review the ENF and determine if an Environmental Impact Report is required.

### **8.2.3 Department of Environmental Protection**

The Department of Environmental Protection should be contacted in reference to Surface and Ground Water Discharge permits, and Water Withdrawal permits, and Water Quality Certificates.

The Massachusetts Department of Environmental Protection's (DEP's) Office of Watershed Management (OWM) administers the Surface Water Discharge Permit Program 314 CMR 3.00. This program regulates the discharge of pollutants to the Commonwealth's surface waters and reflects requirements of both the State and Federal Clean Water Acts. Massachusetts is a non-delegated state which means that the United States Environmental Protection Agency (USEPA) controls the permitting process. Dischargers who qualify pursuant to the state regulations must apply to the USEPA (and also the DEP) for a National Pollutant Discharge Elimination System (NPDES) permit.

Those facilities that need permits are those that contain, grow, or hold aquatic animals and discharge at least thirty days per year and also fall into one of the categories below (314 CMR 3.15):

1. Coldwater Species: Those that produce 9090 harvest weight kilograms or more of animals or fish per year, or feed 2272 kilograms or more of food during the month of heaviest feeding.
2. Warmwater Species: Those that produce 45,454 harvest weight kilograms or more of aquatic animals per year.

It should be noted that the Director of OWM can designate any facility as requiring a permit based on location of facility, quality of the receiving water, the capacities of the facility, the quantity and nature of pollutants reaching the receiving water and other relevant factors. These other relevant factors include: the location of the facility in relation to surface drinking water supplies, the presence of Outstanding Resource Waters, flow volume in receiving waters, and trophic status of receiving waters.

Applicants must apply to both the USEPA Region 1 and the DEP simultaneously for a Surface Water Discharge Permit. Applications for a non-process wastewater permit (Category BRP WM 13) are available from the DEP Information Service Center at (617) 338-2255. Application packages include instructions and all the necessary state and federal forms. Permit issuance can take an extended period of time. The USEPA and DEP are currently working on a general permit format for these types of facilities and hope to have one in place within the next twelve months.

Discharge permits under the permit code BRP WM 13 for non-process wastewater have a \$500.00 application fee associated with them. There is also an annual compliance fee of \$100.00. Permits are issued for five years.

The DEP should also be contacted in regard to Water Withdrawal permits. The Water Management Act Regulations (310 CMR 36.17) regulate the amount of water withdrawn from both surface and groundwater supplies on a watershed basis. Two basins are currently closed for new withdrawals (Jones River and North Coastal). The purpose of Water Management Plans is to assess localized impacts of water withdrawals to other water resources such as public and private water supply wells and wetlands.

**Unregistered** water users withdrawing over 100,000 gallons per day on average need to apply for a water withdrawal permit and file an ENF. (Existing large water users had an opportunity to **register** their 1981 - 1985 withdrawal amounts up until January of 1988. These **registered** withdrawals do not require a permit unless an increase is sought over the 100,000 gallons per day).

Applicants must apply for a withdrawal permit with the DEP's Office of Watershed Management (OWM). There is an initial application fee of \$1900.00 for this permit. There is an annual compliance fee of \$100.00 and the permit is issued for 20 years.

401 Water Quality Certificates (WQC) are also issued by the DEP. If a new aquaculture facility alters less than 5,000 square feet, the Final Order of Conditions may also serve as the 401 WQC. Facilities that propose to alter more than 5,000 square feet of Bordering Vegetated Wetland, Land Under Water, Isolated Wetland, or an Outstanding Resource Water will require an individual 401 WQC. Facilities greater than one acre may also require a 401 WQC.

### **8.3 Federal Agencies**

#### **8.3.1 U.S. Army Corp of Engineers (ACOE)**

The ACOE is responsible for issuing a Programmatic General Permit (PGP). This permit is issued under section 404 of the Federal Clean Water Act (33 U.S.C. 1344) and section 10 of the Rivers and Harbors Act of 1899. These Acts help protect natural resources from unauthorized dredge and fill and manage obstructions in navigable waters.

There are three categories listed under the PGP: 1) alteration less than 5,000 square feet requires only a Final Order of Conditions, 2) alteration of 5,000 square feet to 1 acre requires a 401 WQC and possibly a 404 permit, 3) alterations of greater than one acre require a 404 permit.

The PGP provides a simplified review process for minimal- impact projects that fall within ACOE jurisdiction. A letter of permission will be issued to the applicant that states all requirements and universal conditions that must be met.

All other state and federal permit requirements must be met before a PGP is issued. For example, when filing a NOI with the Conservation Commission, a copy of those materials should be submitted to the ACOE.

#### **8.3.2 United States Environmental Protection Agency (USEPA)**

The USEPA is responsible for issuing National Pollution Elimination Discharge System (NPDES) Permits. These permits are jointly issued with state authorities and were previously mentioned in the section on DEP permits.

## 9. ECONOMICS

A complete summary of economics for aquaculture can be found in the Northeast Region Aquaculture Industry Situation and Outlook Report (Bush and Anderson, 1993). Massachusetts aquaculture farm gate value for 1992 (the most recent Situation and Outlook Report) was over 8 million dollars. The dominant species produced was the Northern quahog. Other important cultured products were oysters, trout, hybrid striped bass, scallops, baitfish/other fish, and tilapia. Most (\$6,350,918) of the farm gate value for Massachusetts comes from the production of oysters, hard clams, mussels and scallops. The species cultured in freshwater (which accounted for the remaining \$1,670,000) were trout, hybrid striped bass, baitfish/other fish and tilapia.

Massachusetts is listed as one of the top three Northeast states for the production of trout, hybrid striped bass and tilapia. Information on these species, although not specific to Massachusetts, lends information to the current and potential industry in the Commonwealth.

Trout production, mostly brook and rainbow trout, makes up approximately 20% of the estimated \$64.6 million Northeast cultured finfish farm gate value for 1992. Pennsylvania accounts for nearly 72% of the 4.7 million pounds of trout produced in the Northeast in that year. Trout culture has generated some 265 full-time and 250 part-time jobs in the Northeast. Nearly half of the trout production was sold to be stocked into private waters. The most common size sold for this purpose was 10-13 inches. The size of local trout operations is constrained, in part, by the amount of clean, cold water available for culture. The largest markets available to small trout producers are private waters and fee fishing operations.

Hybrid striped bass production in the Northeast accounted for 4% of the estimated \$64.6 million farm gate value for 1992. This value translates into approximately 947,000 pounds of fish. The firms involved with hybrid production employ an estimated 85 full-time employees and 78 part-time individuals. Nearly half of this production is attributed to Maryland, the top producer. This is one of the more recent technological advancement forums in fish culture with an estimated 40% of the culture being conducted in recirculating systems. As this method develops, the potential for economic value will also increase as recirculating systems allow compensation for a shortfall in clean, cool available water supply, a common problem in the northeast.

Although the production values for tilapia are nearly inconsequential, this fish has perhaps the most potential to increase in the near future. Maryland, currently producing 250,000 pounds of fish, expects that their production could increase by a factor of 6 in only 2 years. Currently, only about 1% of the finfish production in the Northeast is in tilapia, approximately 280,000 pounds, to which Massachusetts is again one of the top three contributors and one of only two states in the Northeast with verified commercial harvest. Most of the production is in recirculating

systems and some production has involved hydroponics. Most cultured tilapia is sold directly to restaurants and the average cost for live weight fish is approximately \$2.00 per pound.

Relative to baitfish, little is grown in this region of the country. In fact, most of the baitfish grown in the U.S. is done so in the Southeast, primarily Arkansas. The fish species primarily produced as bait in the Northeast are fathead minnows and golden shiners. The demand for baitfish is reported to be high but extremely seasonal.

## **10. FISH CONSUMPTION/PUBLIC HEALTH AND SAFETY**

Because of the chemical contamination of many of our important commercial and recreational fisheries, private aquaculture is playing a larger role in providing safe, clean, fresh fish for the public. In recent years, there has been significant media attention regarding contaminants in fish, particularly mercury and PCB's, in both freshwater and saltwater fish. The Department of Public Health has numerous fish consumption advisories out for both freshwater and saltwater fish species. These advisories, however, do not apply to fish cultured in hatcheries and stocked for recreational fishing or to fish produced in private aquaculture facilities. Fish cultured in hatcheries and private farms come from clean water sources and do not bioaccumulate contaminants during the short time they are being grown out to market or stocking size.

**There are numerous other public health and safety issues, however, that do relate to private aquaculture relative to fish processing and handling for food consumption. The Department of Public Health should be consulted directly on this matter.**

## Section B

### MARINE AQUACULTURE

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#### 11. INTRODUCTION TO MARINE AQUACULTURE

Massachusetts has approximately 1500 miles of coastline interspersed with rivers, estuarine systems, salt ponds, saltmarshes, and protected bays. These waters produce a variety of seaweeds, shellfish, crustaceans, and finfish. Many of the coastal waters are of high quality and have historically supported a significant commercial harvest as well as recreational fisheries and water-sports activities. The productivity of natural populations in Massachusetts is a good indicator that the quality of the state's waters is suitable for a variety of aquacultural activities.

Harvesting the sea, either through the taking of wild animals or through managed cultivation of impounded waters, tidelands, or submerged lands, is a practice that dates from before the first European settlers landed in the Bay colonies. However, the practice of rearing bivalve mollusks from the fertilized egg to the juvenile stage under controlled conditions did not become a commercially viable reality until the 1960's. Initially there were many failures, usually due to insufficient understanding of bivalve larval food requirements. Once realized, it became clear that millions of tiny clams, oysters, and bay scallops could be successfully produced in captivity.

During the 1970's, when methods of satisfying the nutritional requirements of larval and juvenile shellfish in captivity had been improved, a major focus in shellfish culture was the development of methods to assure the survival of hatchery-reared juveniles to market size. Attempting to rear shellfish from larvae to harvest size in "captivity" is not economically feasible. Various techniques were developed for culture under natural conditions, including "off-bottom" methods and the use of various materials spread on the bottom that protected the young shellfish from bottom-crawling predators.

By the 1980's, commercial shellfish hatcheries were operating successfully in New England, both publicly and privately run. Large numbers of juvenile hard clams (quahogs) and oysters were produced each year and transferred for grow-out to harvest size to tidal flats.

Today, aquaculture can be separated into two broad methods and techniques - intensive and extensive aquaculture. Intensive aquaculture subjects an organism to hatchery controlled-conditions for most of the life cycle. This form is most commonly applied to finfish. The cultivation of salmonids in "fish farms," either offshore or in inland ponds, is an example of intensive aquaculture; the fish are hatched from eggs, reared and fed in controlled enclosures until reaching harvest size, and then harvested.

Extensive aquaculture is the manipulation in the natural environment at one or more stages of an organism's life cycle. Examples include the growing of shellfish off the bottom on and in mesh bags, sleeves, nets, floats, trays, or racks, predator control, and removal of "seed" shellfish from a nursery area to a controlled pen until growth to full harvest size is completed.

Like agriculture, aquaculture is an attempt to propagate crops in a semi-controlled setting. This relationship has placed the entire aquaculture process in a confusing position somewhere between traditional agriculture and traditional fishing. In fact, agricultural interests have given aquaculture little support because it is an extremely foreign practice relative to other forms of crop propagation, while traditional fishing has viewed aquaculture as an unwanted competitor. The result has been either a lack of interest or outright hostility towards aquaculture providing it with little political and/or financial support.

Some problems related to agriculture are true in aquaculture as well, such as the accumulation of waste products and the potential for disease. Yet, the waste disposal issue offers an example of how aquacultural operations are often made more complex than its traditional counterpart. While farm wastes can often be composted on-site, the composting of fish wastes is restricted to a few specially permitted facilities, increasing costs to the aquaculturalist for waste disposal. A quick solution may be achieved for this issue if small scale on-site composting could be approved for aquaculture.

Aquaculture poses many unique challenges to the farmer not found in traditional agriculture such as those related to siting due to legal and traditional conflicts, and to contamination of wild fisheries due to interactions between these distinct populations. Unlike agriculture, aquaculture depends upon and directly influences public resources introducing conflicts to available uses and to traditional fisheries management issues. Similarly, marine and fresh water aquaculture is not always well-defined since anadramous species such as salmon or catadramous species such as eels depend upon both salt and fresh waters for parts of their life cycles complicating the need for resources which must be employed.

These obstacles have swayed public sentiment against aquaculture significantly reducing the availability of funding sources needed to legitimize the industry. Despite these obstacles, the growing demand by the public for seafood products coupled with the dwindling availability of natural sources to meet the demand still makes aquaculture a promising industry in the near future for Massachusetts.

## **12. SHELLFISH BOTTOM AND OFF-BOTTOM CULTURE**

This chapter will discuss the basic biology and production techniques for shellfish (both bottom and off-bottom culture). In addition, this chapter addresses problems inherent to shellfish aquaculture, including environmental, economic, business, legal, etc.

The exclusive form of commercial aquaculture engaged in Massachusetts to date, both privately and by several cities and towns and the Division of Marine Fisheries, is mollusk culture, employing several methods of cultivation. This chapter provides significantly more detail on shellfish than other forms of aquaculture and this is a simple reflection on the dominance of shellfish in the Massachusetts aquaculture industry. Massachusetts is not alone in its predominant interest in mollusk culture. Globally, bivalve mollusk culture is second to only crustaceans as the most economically successful forms of marine animal aquaculture. While bivalve mollusk culture is well established in the state, recent proposals indicate commercial interest in finfish (cod, salmon, and steelhead trout) as well.

### **BIOLOGY**

Hard clams (quahogs), soft clams (steamers), oysters, bay scallops, and mussels all reproduce by spawning; the discharge of microscopic eggs and sperm into the surrounding water, triggered by increased water temperature. The number of eggs released by a single female is impressive; a mature oyster may release up to fifty-million eggs in one season.

The eggs are fertilized in the surrounding water and within a matter of hours, the embryos develop into motile, swimming larvae. The duration of the larval period varies with water temperature and generally ranges between one to three weeks (these are requirements that may be artificially manipulated in commercial hatcheries to maximize fertilization and shorten developmental periods). The larval stage is terminated by metamorphosis; the transition to the early juvenile stage, which resembles a miniature of the adult form. Because shellfish larvae are essentially planktonic organisms that drift about and are subject to dispersal by currents, winds, and wave action, they may undergo metamorphosis, or set, far from the site of initial fertilization.

The behavior of the various species begins to differ at this stage of development. The early juveniles of quahogs and soft clams are capable of crawling on the bottom sediments. Upon finding an acceptable substrate, they dig in by means of a muscular foot. While still small, they are capable of emerging and wandering, searching for greater food sources, more desirable locations, etc. However, the remainder of their

life is sedentary and spent beneath the sediment surface. Until they reach legally marketable size, clams at this stage are referred to as seed.

All bivalve mollusks (bivalves) are filter feeders, extracting their food from the surrounding water. Because they dwell in the bottom substrate, clams are equipped with siphon tubes that enable them to draw in the water from above. Unfortunately for bivalves, natural predators are numerous, including several species of crabs, snails, starfish, drills, finfish and waterfowl, many of which patrol the bottom.

Quahogs are hardy and long-lived. Soft clams, oysters, and mussels are more vulnerable to age and predation. Bay scallops are comparatively short-lived. All of these species are capable of reproduction by the end of their first full year of life.

The natural habitat of these mollusks varies considerably. The oyster and the soft clam can tolerate conditions of varying salt concentrations, adapting them to estuarine as well as ocean environments. The quahog, bay scallop and mussel prefer higher salinity and are more likely to occur in salt ponds and coves without appreciable inflows of fresh water. The soft clam, oyster, and mussel can all thrive intertidally. While the quahog may live in the tidal flats, its preferred location, along with the bay scallop, is sub-tidal.

The nature of the bottom sediments is critical to normal development and reproduction. Soft bottom muds are generally inhospitable, due to the potential for siltation and hypoxia. These soft muds might be indicative of situations where contaminants may be a problem.

Phytoplankton, an essential component of shellfish diet, depend upon the availability of inorganic nutrients as well as radiant energy for photosynthesis. Run-off from upstream sources, the addition of point-source pollutants, narrowing of embayments, and reduced water flow all impact upon these organisms. Excessive artificial enrichment (i.e. introduction of partially treated or untreated sewage or other fertilizing agents) may result in eutrophication, which degrades food sources and reduces viable shellfish habitat. The addition of nitrogenous compounds can stimulate the growth of several species of planktonic algae undesirable for shellfish food, which compete with desirable food species. In high concentrations, these algal cells can shade out natural stands of benthic plants such as eel-grass and, as they die, contribute to the accumulation of organic matter on the bottom. As this material decomposes, the oxygen concentration in the bottom waters drops. Alternatively, bottom vegetation may be stimulated by excessive nutrients to grow in such dense concentration that tidal circulation near the bottom is reduced or eliminated, thereby inhibiting the growth of bivalves.

Despite the enormous reproductive potential of shellfish, many factors contribute to a very high mortality rate during their life cycle, most particularly during the larval and juvenile stages. Shellfish aquaculture techniques are designed to reduce these

losses, by protecting shellfish at early, vulnerable stages from predation and other adverse natural phenomena as long as economically feasible.

## Quahogs

The common hard shell clam, or quahog, is well adapted to life in the sea, particularly the sand and mud flats of the subtidal and lower intertidal zone. The northern quahog, *Mercenaria mercenaria*, belongs to the class *Bivalvia*, easily identifiable by two, somewhat rounded, hinged shells, protruding burrowing foot, and the purple or dark blue border found on the inside of the shell. The variety known as *M. Mercenaria notata* is widely grown in Massachusetts. It is distinguished by a chestnut brown zig-zag line of the outside of the shell. Some cultivators prefer this variant because of its faster growth rate and natural identifiability. The name *Mercenaria* comes from the historic use of the shell for making Indian money, or wampum. Beads made from the purple part of the quahog shell were the most valuable form of wampum.

The quahog spends most of its life (which can last for up to 20 years) buried into the sediments of the subtidal and lower intertidal zone, with its two siphons reaching just above the surface to feed and discharge wastes. It feeds by filtering phytoplankton from water that it pulls in over its gills with one siphon and then pumps it back out through the other. Quahogs reproduce in the same manner as most bivalves, by shooting vast quantities of sperm and eggs into the water. Here the eggs are fertilized and dispersed by the currents. Hard clams spawn when the water temperature reaches approximately 60 degrees F. Of the millions of eggs shot out by female clams, only a small percentage survive to maturity in an uncontrolled environment.

Quahogs typically grow up to four inches and sometimes larger. Commercially, there are three names, based on size; the littleneck (48mm valve length or 1.5 inches), the cherrystone (60mm valve length or 2 inches), and the chowder ( greater than 75mm or 3 inches or more). Some individuals can attain sizes of up to 130mm or 5 inches.

Quahogs are the preferred food of several predator species, notably green crabs, starfish, moon snails, and horseshoe crabs.

## Oysters

Two kinds of oysters are cultured in Massachusetts, the Eastern, or American oyster, *Crassostrea virginica*, and the European oyster, *Ostrea edulis*. Oysters, like other epifauna, live on the sediment surface. The larvae metamorphisize and search out hard clean surfaces (cultch), which may include live oysters, to which they cement

themselves. Recently-set oysters are known as spat. Setting oysters, depending upon conditions, may result in heavy local concentrations in the form of bars or reefs, where competition for space is fierce. Once attached, an oyster never moves again, unless dislodged by external forces.

Oyster shells, or valves, differ in size and weight, with the right valve (the top valve) forming flat and the left (bottom valve) being heavier and cupped. The valves are joined by a ligament and the shell shape can vary widely. The size and shape of an oyster's shell is significant in aquaculture; the raw market demands a full, shapely, aesthetically-appealing shell. Shell growth largely depends upon water temperatures and culturing times will vary according to the size to be attained. For example, in Massachusetts, it can take two - four years to attain market size while in Florida, where oysters are grown year round, eighteen months is usually sufficient.

American oysters are divided into separate male and female individuals and spawn by spewing millions of eggs and sperm into surrounding waters, where external fertilization takes place. European oysters are hermaphroditic; each individual possesses male and female germ cells, and fertilization occurs inside the inhalant chamber of the oyster. The larvae then incubate in the chamber for up to ten days prior to being ejected into the surrounding waters. Immediately before setting, both types of oysters develop eye spots and a foot and begin to search out cultch to attach to. Satisfactory cultch includes any clean, hard surface (usually empty bivalve shells).

The color, texture, and quantity of the meat in the shell is very important to the raw oyster market and those qualities will vary with age, water quality, and time of harvest. Oysters will accumulate and/or metabolize almost every element contained in the water around them. The quality of the meat drops during the spawning season. After spawning, oysters build up glycogen, which provides the appearance of a "fattening" or "fat" oyster, the most desirable kind.

Oysters are subject to a variety of natural predators, an environmental hazard that may be substantially reduced by cultivation and predator-control methods. Depending upon salinity, Atlantic oyster drills, thick-lipped oyster drills, rock shells, knobbed whelks, channeled whelks, and starfish all prey on oysters.

Oysters are also subject to a variety of diseases and parasites, the most recently notorious being MSX, discussed infra. More recently, Juvenile Oyster Disease (JOD) has been blamed for some oyster mortalities in the Northeast and mid-Atlantic aquaculture facilities. The severity of impacts by disease and parasites on oyster populations is thought to be related to water quality; higher salinity, high temperatures, and nutrient loading appear to make oysters more susceptible to disease.

Oysters provide a welcome habitat for commensal and competing organisms. Several live in or on the shell; the boring sponge, the boring clam, and the mud

worm are examples. Barnacles, tunicates, and mussels (as well as other oysters) will attach themselves to the outside of the shell, as will as several species of algae. One algal species, *Codium fragile*, produces aveoliated branches filled with gas that may actually lift the oyster and carry it off with the tide.

### Bay Scallops

Bay scallops, *Aequipecten irradians*, differ from clams and oysters in that they retain the ability to move actively throughout their lives. The juveniles will attach themselves to underwater eel-grass or algae through extruded filaments known as byssal threads. The Eelgrass offers protective isolation from many predators crucial during early life stages, and then settle-out within or adjacent to the vegetation. Their ability to move and remain above the sediment as they mature makes them less prone to bottom predation. Bay scallops eventually lose the tendency to attach themselves; they dwell on the bottom as adults, manipulating themselves through "jet propulsion" by forcefully closing their valves. Scallops less than one year old (determined by the annual growth ring) are considered seed and may not be harvested.

The bay scallop, as with other shellfish, has two shells, or valves, with the "laying" shell (the one the scallop rests on) being lighter in color and having a byssal notch or foot groove. The outer surface of a scallop shell exhibits prominent ridges and furrows, which radiate from the beak to the free margin. During the winter months, the scallop does not grow and a heavy concentric line, similar to that of a tree's annual ring, forms. Growth begins again in the spring and it is this ridge that determines the age of a scallop.

Scallops, unlike quahogs and soft clams, have only one adductor muscle, commonly referred to as the "eye." Bay scallops are hermaphroditic; all individuals possess male and female sex organs and produce both sperm and eggs.

Bay scallops spawn in response to increases in water temperature in the spring, beginning at approximately 61 degrees F., although spawning may be induced artificially in the hatchery by increasing water temperatures; 68 - 84 degrees is the spawning range, with 74 - 76 degrees inducing spawning within fifteen minutes after placement. Bay scallops have the capacity to spawn repeatedly over a period of weeks, depending upon external conditions.

Scallop larvae go through two distinct developmental stages, during which the mortality rate is at the highest point in the life cycle. The embryonic, or sub-veliger stage is the period prior to development of a shell; the post-embryonic, or veliger stage is the period during which the larvae have developed shells but prior to attainment of full development. During this pre-adult stage, the larvae are capable of both digging and swimming.

Once the scallops "set" by way of attachment to an available surface with byssal threads, they have reached the dissoconch ("two shelled") stage and are approximately 1/3 " in size. The scallop does not reach its full internal and shell development until the plicated stage, where the radiating ridges characteristic of the adult scallop develop. Bay scallops have a much shorter life-span than do oysters, clams, or mussels. Most bay scallops do not live beyond two years and they may reach sexual maturity within six months. They also retain their free-swimming (through jet-propulsion, expulsion of water through the "ears" coupled with shell closure) and locomotive abilities, which mandates that cultivation be off-bottom, in enclosed nets, bags, or cages.

Bay scallops, like other shellfish, are filter feeders. Unlike clams, who feed from below the substrate, scallops use their gills to siphon diatoms and other planktonic matter from the surrounding water.

Scallops are not as likely to act as a vector for disease as other shellfish because the adductor muscle is the most common food product. Pathogens are typically transferred through the food chain as the result of eating the whole shellfish, including the gut, where pathogens typically accumulate. However, consumption of whole and roe-on scallops has increased dramatically over the last two years, leading to increased risk of food product contamination.

## Mussels

Mussels also initially fasten themselves by byssal threads to substrate or vegetation at metamorphosis. Like scallops, recent evidence has revealed a close relationship between blue mussels and eelgrass during early life stages. Unlike scallops, maturing mussels reattach themselves to a hard substrate, often other mussels, continuously for the remainder of their lives. If stressed, matured mussels can detach themselves and subsequently re-attach their byssal threads after finding a more desirable location.

All stages of mussel development appear to be influenced by water temperature. Mussels will spawn at temperatures between 62- 80 degrees F., but will spawn almost continually when the temperatures remain in the 75 degree vicinity. The larvae are free-swimming, and may attach several times by means of byssal threads until a desirable location (one that is abundant in food and maintains water temperatures above 65 degrees seem to be favored) is located. Mussels grow most quickly when continually immersed in water since they can almost constantly feed.

Once permanently set, the competition for space is vigorous. It is common to find mussels growing in layers of other mussels, both naturally in intertidal and sub-littoral levels, and when cultured on lines. Mussels grown in water temperatures above 65 degrees mature more quickly than those grown in colder waters, maturing

in less than a year. Below that range, mussels may take up to two years to reach market size.

## **12.1 Bottom Culture - Overview**

The practice of cultivating bottom-dwelling shellfish (most commonly hard shell clams and oysters) in nursery trays and pens from juvenile stages to maturity is collectively known as bottom culture. Since at least 1974, intensive quahog culture has been ongoing in Barnstable (62 acres), Provincetown (45 acres), Wareham (90 acres), and Wellfleet (80 acres), utilizing bottom culture on the intertidal flats.

a. **Species Cultured**

Oysters and Quahogs are commonly cultured using bottom culture techniques.

b. **Procedure**

The practice is conducted in three stages:

1. Production of Seed - very small clams (1 - 25 mm) are obtained from hatcheries (or other sources, including natural collection) where clams are cultured from initial spawning through the larval metamorphosis to the juvenile stage. Once juveniles reach the size of 2mm, they can be marketed as "seed," although the preference is for seed greater than 8 mm, which better resist predation.
2. Field Planting - the seed are "planted" in net-covered boxes measuring approximately 4 feet x 8 feet x 6 inches, that are filled with "clean" sand (sand that does not contain predator species; i.e. green crabs), and are slightly elevated above the intertidal flats on legs. These boxes, known as "nursery boxes" or "cages", may contain up to 10,000 seed clams. Smaller, more manageable boxes sized 4'x 4' are being used more commonly.
3. Grow Out - the seed are allowed to remain in the nursery trays until a size of 19 - 24mm, although all clams between 19 and 176 mm are considered field plant size by the industry. At this point, they are transferred to narrow, net-covered plots ("pens," or sometimes "runways") for grow out. When the clams reach 51 - 63mm (2 - 2.5 inches) they are harvested.

c. Current Bottom Culture Leases

There are approximately 646.5 acres of tidelands currently licensed for shellfish cultivation (commercial and research) in twenty-two Massachusetts cities and towns (Barnstable, Brewster, Chatham, Dennis, Duxbury, Eastham, Edgartown, Essex, Fairhaven, Falmouth, Gosnold, Mashpee, Mattapoisett, Nantucket, Oak Bluffs, Orleans, Plymouth, Provincetown, Truro, Wareham, Wellfleet, and Yarmouth). Cultivated species include, in order of economic importance, (1) quahogs, (2) American oysters, (3) bay scallops, (4) soft shell clams, (5) European oysters, (6) surf clams, and (7) blue mussels.

d. Legal Issues

Due in large part to the extent of privately held tidelands in the state, much of the shellfish culture in Massachusetts is conducted on private property. Often the culturist is not the owner of the flats under cultivation. The recent Massachusetts Supreme Court decision on Pazolt vs. Massachusetts has ruled that culturists must obtain permission from the owners of privately owned tidelands prior to establishing aquaculture facilities. For a discussion of the problems associated with the public use of private property, see Chapter Sixteen.

e. Economics

The cost of hatchery seed (6-8 mm) varies from \$25 to \$35/100. Gross sales of \$25,000 - \$35,000/acre have been reported at harvest of mature clams, 2-3 years after field planting. However, severe winters and intense cyclical predation can significantly reduce sales and prolong the maturation period.

According to the reports submitted by municipal shellfish constables, the landed value of cultured shellfish totaled \$620,000 in 1988, \$1,933,000 in 1989, \$906,000 in 1990, and \$1,884,000 in 1991. These values are questionable at best. Not all towns with acreage under active cultivation submitted reports and chronic under-reporting is an acknowledged problem. The consensus opinion of the Massachusetts Aquaculture Association and the Massachusetts Shellfish Officers' Association is that the reporting value represents approximately 30-40% of the actual landed value.

f. Environmental Issues

The successful growth and harvesting of food-quality shellfish requires high water quality, quality that is very vulnerable to the effects of competing coastal uses.

Bottom-dwelling shellfish are filter-feeders, obtaining nutrients (phytoplankton, heterotrophic micro-organisms, minerals and dissolved organic particles) by straining them from the surrounding water when ambient temperatures are above 10 degrees C. Conditions that affect either the availability of food (i.e. toxic blooms of certain flagellates, "brown" or "red" tides that repress certain diatom populations) or the quality of the water (i.e. excessive turbidity) affects the set of spat and the growth of seed.

Shellfish are capable of filtering, along with their traditional nutrients, various pollutants and wastes from the surrounding water and substrate. Coastal development and recreational uses supply these pollutants in abundance, either through direct (point-source) discharges or from run-off (non-point source) discharges. The chronic discharge of pollutants systematically degrades the quality of the water. The results of such degradation may vary from death, mutagenic or teratogenic effects upon shellfish, and sickness and/or death of consumers further up the food chain.

Degradation of water quality (and associated substrate degradation) includes characteristics such as lower dissolved oxygen levels, changes in temperature, changes in salinity, and changes in turbidity. All of these parameters have a direct bearing upon the quality and quantity of shellfish propagated and harvested.

Maintaining and upgrading water quality presents a host of problems. Coastal development, industrial, and recreational use are the primary causes of near-shore water quality degradation. A balance of the competing uses is extremely difficult to achieve and is still evolving.

Culture on tidal flats requires access to work areas that may not be accessible by boat. Off Road Vehicles (ORV) traffic over dunes, coastal banks, tidal flats, and through sensitive resource areas could place endangered species and fragile ecosystems at risk. Use of the intertidal area for bottom culture also raises concern over the potential loss of resting and feeding areas for migratory birds. Some environmentalists see the use of nursery trays, netting, and pens on the flats as developing a "monoculture" that threatens the intertidal ecosystem.

#### **h. Bottom-Culture -- Problems**

The following are both real and perceived problems associated with bottom culture techniques:

#### **History/Culture**

Shellfishing, both recreational and commercial, is viewed as a Massachusetts' birthright. The notion of "domesticating" it into what is viewed as a form of rather unaesthetic farming, is not popular; it is inconsistent with the way Massachusetts

has traditionally perceived itself and its natural resources. Despite some promise as a beneficial alternative to traditional commercial fishing, it also is perceived as a source of competition with wild fisheries (although the limited data available demonstrate little basis for such concern) for the same market.

The reservation of tidelands for shellfish licensed-areas and aquaculture licenses should not, in theory, limit areas used by commercial fishermen engaged in gathering wild stock. The fear of this happening exists. The opposite is true in some areas of the United States where wild stock represents a strong market resource and significant political pressure is employed to limit aquacultural endeavors; i.e. Alaskan salmon fishery. A related conflict is the contamination of wild stocks through the importation of seed from other areas providing a risk to native populations through disease introduction and gene pool homogeneity.

The fear of competition has a long history in the Northeast. Within the last century, violence has erupted over the existence and placement of shellfish licensed-areas. Maine, Massachusetts, New York, and Connecticut have all experienced their own versions of the "Quahog Wars", violent clashes between culturists and commercial fishermen resulting in shootings, boat-burnings, and the seizure and/or destruction of product on both sides of the argument.

The New England states have resolved many of these conflicts in a number of ways. The states of Maine and Connecticut have established procedures designed to limit aquaculture to areas that do not intrude upon the wild fishery. Massachusetts, who has, for the most part, delegated the licensed-area procedure to local authorities, requires that any area proposed for a shellfish licensed-area be a non-productive tideland; a shellfish desert, and some towns have created shellfish management plans that prohibit the siting of licensed-areas in any area where a potential conflict over access to wharves, moorings, or productive bottom may develop. Rhode Island, with its insistence upon a very old and very literal interpretation of the "free and open fishery," has forced most aquacultural activities out of the state.

## **Financial/Business**

Misconceptions exist about bottom culture providing a livelihood or really being a viable business endeavor in Massachusetts, fueled to some extent by the failure on the part of many aquaculturists to conduct their activities in a consistent, businesslike manner. It has been reported to Massachusetts aquaculturists and to various state agencies that coastal aquaculture should not be viewed as a real form of sustainable fishing nor as an industry that justifies or deserves the assistance available to many other small businesses, funded through taxpayer dollars and assisted by state and federal programs and subsidies. The perception exists and persists that the people engaging in bottom culture do it as a hobby, or to pick up a few extra dollars "under the table" or to supplement their "real" jobs. For many serious bottom culturists, this is simply not the case. Given the productivity that

can be achieved with a carefully managed licensed-area, bottom culture is engaged in as a serious, full-time occupation.

The nature of the work involved to sustain a profitable licensed-area is not something most people would do to "moonlight." Even those considered part-time aquaculturists typically spend at least a portion of each day on the licensed-areas. For intertidal licensed-areas, all work has to be done on ebb tides, which vary from day-to-day. It means going out to secure the licensed-area in foul weather. During harvest season, it means harvesting every day, no matter what the conditions may be. The work is manual, extremely labor-intensive, and technical assistance and tools are very limited. Immediate responses to emergencies: floods, storms, etc., are necessary if a year to two years' worth of work and investment is going to be saved. Bottom aquaculture is not, nor should it be considered, a hobby.

Although the work and investment risk are substantial, the returns may be significant, as pointed out elsewhere in this report. However, it is acknowledged by nearly everyone involved with coastal aquaculture: shellfish officers, harbormasters, Division of Marine Fisheries personnel, and several aquaculture trade organizations, that bottom culturists do not, by and large, conduct their operations in a professional manner. Record-keeping is poor and in most cases, insufficient to establish a clear financial picture. Reporting of harvest quantities and prices received is chronically and severely skewed on the low end; average annual reports, required by Massachusetts General Law Chapter 130, contain amounts and prices that are just sufficient for a licensed-area-holder to maintain his/her right to the licensed-area. The under-reporting problem is so generally known that the Division of Marine Fisheries assumes that actual quantities of some species of shellfish harvested and prices obtained are as much as 40 - 60% higher than what is reported.

There has traditionally been little public interest or support for programs that encourage aquacultural development over other uses of highly desirable coastal property. Banks and other lending institutions find little justification for creating small business loan packages for aquaculturists. State and federal government agencies are reluctant to devote thin resources to endeavors which do not appear to provide an adequate return for the investment. In addition, the risk of losing the harvest to disease, predation, destruction by storms, algal blooms, theft or other causes leads to a perception that aquaculture is a high-risk investment, causing banks and lending institutions to proceed carefully.

## Public Health

Shellfish have, despite public education and awareness campaign efforts by the industry and the state, a mixed reputation for wholesomeness. Shellfish have in some instances been linked with disease transmission to humans, causing many consumers to avoid any form of shellfish. Aquaculture and public health are discussed in greater detail in Chapter Seventeen.

## 12.2 Water Column (or Off-Bottom) Culture -- Overview

The use of water column suspension techniques, including enclosures (cages, lantern nets) and lines (longlines and strings attached to rafts or racks anchored on the bottom) for the production of bottom-dwelling and sedentary shellfish, as well as for motile species of shellfish (i.e. scallops) is commonly referred to as water column or off-bottom culture. These techniques are designed to minimize bottom predators, contain mobile species (i.e. scallops) in one place until harvest, and maximize the use of a three-dimensional space for cultivation.

### a. Species Cultured

Oysters have been cultivated at least since Roman times, by growing them off of the bottom on rafts and strings. Today, oysters are grown all over the world, using a variety of methods, predominantly off-bottom. In Japan, one of the largest oyster producers, cultivation methods include rafts, lantern nets, and longlines. In Australia, another large oyster-producer, sticks and trays are used. In France and England, oysters are cultivated on off-bottom posts, in mesh nets, and on longlines. Off-bottom cultivation has uniformly produced (1) more oysters than in the same area on the bottom, (2) accelerated growth rates, (3) improvement in meat quality, and (4) significant reductions in predation.

Two different kinds of oysters are cultured in Massachusetts, using off-bottom and bottom methods: the Eastern, or American oyster, *Crassostrea virginica*, and the European oyster, *Ostrea edulis*. In Massachusetts, there are currently seventy-eight oyster cultivation licensed-areas, representing both bottom and off-bottom culture in seventeen cities and towns (Barnstable, Chatham, Eastham, Edgartown, Essex, Falmouth, Gosnold, Mashpee, Mattapoisett, Nantucket, Orleans, Plymouth, Provincetown, Truro, Wareham, Wellfleet, and Yarmouth).

Mussels are one of the easiest species of shellfish to grow. Although extremely popular in Europe, on the U.S. West Coast, and in Maine, mussel culture is limited in Massachusetts. There had been as many as eleven blue mussel cultivators in operation in Massachusetts during the "mussel boom" years of the late 1980's, but there is very little, if any commercial production of mussels today. Recent advances in cleaning and grading wild harvest mussels has resulted in a drop in price for the cultured mussels which had previously been marketed as a superior product (Brooks, 1993).

The blue mussel, *Mytilus edulis*, is simple to culture off-bottom, due to its prodigious reproductive capabilities. The spat is abundant and sets easily on longlines and ropes, precluding the need for hatchery support. Mussel seed in Massachusetts comes entirely from natural populations. Empty mussel strings are placed in the water in June and July (depending upon temperature) to catch seed. Following collection of the seed, the strings may either be left in place or transferred

to another growth area. The mussels are grown for 6 - 10 months until reaching harvest size and may remain on the strings for almost two years until the last of a given set is harvested. It is necessary throughout the culture period to lift the strings periodically to remove fouling organisms and to thin the growing mussels.

Cultured mussels produce a shell that is much thinner and flexible than that of a naturally occurring organism, creating some unique harvest problems. Layers of mussels have to be removed from the lines carefully, to avoid damaging the shellfish. Although no one answer can account for the difference in shell structure, the most popular theory has it that mussels react to intertidal pressures and wave action by growing much more rigid, thicker shells than do those suspended in the water column.

Mussels cultured off-bottom do not experience the predation problems of bottom-dwelling mussels, who are a favorite food for many varieties of starfish. Off-bottom culture has been the target of a commensal organism; the pea crab, who is found to co-exist in the shell of mature, cultured mussels. Cultivators have taken two approaches to the pea crab; it is either marketed as a desirable companion product, or it is destroyed by adding extra carbon dioxide to the water around the culture strings.

Although not imported for aquacultural purposes, the zebra mussel provides a interesting lesson on the potential risks associated with farming exotic species. The zebra mussel, *Dreissena polymorpha*, reached the Great Lakes region inadvertently in the bilge water of large ships from Asia. In the Great Lakes, the mussels breed prodigiously and have no natural enemies to keep their populations in check. This mussel has become so prolific that routine maintenance must be employed to clear intake ducts, sewer pipes, drains, and boats.

The bay scallop, *Argopecten irradians*, differs from the soft clam, the quahog, the oyster, and the mussel in several respects of significance to the aquaculturist. It has more rapid growth, a shorter life-span, and is less likely to transmit disease to human consumers if taken from contaminated areas. It is also harder to adapt to cultivation.

Scallops are subject to attack from several predatory bottom species, notably the starfish and the oyster drill, again making off-bottom techniques the culture of choice for scallops.

b. Techniques

**Lantern Culture** utilizes a cylindrical container fashioned from nylon netting, divided into sections and hung from floats and is used in Massachusetts to culture bay scallops and oysters. As juveniles metamorphosize and attach themselves to a substrate, they are maintained in a hatchery or other natural environment until they attain approximately 3 millimeters in size. At that point, they are transferred to natural growing areas, equipped with fine mesh nets suspended from rafts on the

surface and anchored to the bottom. This method utilizes the three dimensional growing space for continuous feeding and limits predation.

**Raft culture** utilizes strings suspended from a surface raft which is anchored to the bottom. In many places, suspended culture from rafts or longlines has proven to yield the greatest production per unit area of the possible culture methods. Mussels and oysters may be cultured in this manner. In Spain, where mussels are grown suspended from rafts, a maximum production of 500 metric tons per hectare (250 tons per acre) has been achieved. This figure is 1,000 times greater than any other form of aquaculture in which animals are grown without supplemental feeding. Currently there are no raft culture operations in Massachusetts.

Rafts may measure up to approximately 30 x 300 feet, with 180 - 270 ft. longlines. The mussel strings are suspended from the rafts and extend about 21 - 30 feet below the surface. Up to 400 strings may be hung from a single raft or longline and the raft can support up to 9 metric tons of mussels.

The term "rack" may be used in several ways. Depending upon what is meant by the word, alternative culture methods are available.

A rack for the growing of scallops and oysters is a device constructed from wood, wood and plastic, and/or various hybrids of non-corroding metals and plastics, that resembles a bureau, complete with pull-out drawers, suspended several feet off of the bottom. Seed shellfish are set out in the drawers and allowed to mature in the water column, safe from bottom-crawling predators.

A rack may also be used in concert with longlines and/or string and lantern culture. When used in this way, a rack is nothing more than a hollow square or rectangular frame, resting on the bottom as an anchor to provide stability and separation for the lines or lanterns suspended in the water column.

c. Current Water Column Culture Leases

There are approximately twenty-eight licensed off-bottom aquaculture operations on 226.5 acres of surface water and water column off of fourteen Massachusetts cities and towns (Barnstable, Chatham, Dennis, Eastham, Edgartown, Essex, Fairhaven, Gosnold, Mashpee, Orleans, Plymouth, Provincetown, Wareham, and Yarmouth). Few of these licensees are operational. Cultivated species include American and European oysters, bay scallops, and blue mussels.

d. Legal Issues

The authority to regulate and maintain near shore areas has traditionally been local; harbormasters and shellfish officers routinely allocate mooring space, issue permission for temporary uses, assign public marina slots, and oversee shellfish licensed-areas.

Water column aquaculture requires greater regulatory involvement than bottom culture generally due to the exclusionary nature of this technique. Off-bottom culture may require a Massachusetts General Law Chapter 91 waterways license, issued by the Department of Environmental Protection or a Chapter 91 permit issued by the municipal harbormaster, because it uses "navigable" area: the water column and/or the surface, as well as the bottom and may conflict with navigation or other uses. Off-bottom culture also requires a license authorized through Massachusetts General Law Chapter 130, Section 57. Local authorities (selectmen, mayor) issue the Section 57 licenses and to some extent, they intrude upon the traditional authority granted to harbormasters to assign moorings and designate areas for scuba diving. Which use takes precedence, how the uses should be distinguished, how the uses may accommodate each other, have the potential for controversy and the procedures employed in the licensing of the various uses are a subject for further legal scrutiny and clarification. Coordination efforts between state and local entities concerning information exchange and reporting requirements also need to be reviewed.

e. Environmental Issues

Off-bottom culture carries with it its own set of demanding water quality requirements, as well as its own effects upon surrounding water, microfauna, macrofauna, submerged vegetation, and sediments.

Phytoplankton: Mussels and oysters feed by filtering suspended particulate matter, both plankton and detritus; the biomass of phytoplankton downcurrent of mollusk culture therefore may be expected to be reduced. Mollusks are effective in removing particulate matter. In one study, particulate concentrations were measured after passage through oyster rafts, each supporting 50,000 - 90,000 oysters. The particulate concentration was reduced 76-95% after passage through 11 rafts (although some of this may be attributed to passive settling rather than removal by the oysters.)

There is also anecdotal evidence of the filtering efficiency of mussels. Growers have found that mussels on the upcurrent side of a raft grow faster than those on the downward side, presumably because of the reduction in food concentration as the water passes through the raft. Divers have reported the water clarity in the midst of mussel strings to be substantially improved over conditions beyond the perimeter of the raft, presumably because the mussels have reduced the concentration of suspended particulates.

Waste Loading: Shellfish culture is associated with nutrient-loading, but nutrition is obtained from indigenous phytoplankton and particulate matter, rather than from any external food source. Thus, the culture operation does not introduce any "new" nutrients into the marine environment, but promotes the recycling of those which are already present. There is actually a net decrease in nutrient levels in the system, since about only 40% of the total nutrients removed by mollusk culture is

released directly to the water column; 30% fall to the bottom as particulate material and 30% are removed in the harvest.

Shellfish generate solid waste in the form of feces and pseudofeces. Shells which fall from the culture structure also accumulate on the bottom immediately under the raft or longline. Studies of oyster culture in Japan indicate that the amount of solid waste produced by shellfish culture can be considerable. A raft of oysters in Hiroshima Bay holds 350,000 - 630,000 oysters. During a nine month culture season a single raft will produce 16 metric tons of feces and pseudofeces, with an additional 4.5 tons attributable to feces of fouling organisms growing on the rafts.

Approximately 20 - 30% of this material is deposited on the bottom. Additionally, the shading effects of a large raft over an eelgrass bed could lead to considerable degradation.

f. Economics

As noted earlier, off-bottom culture has the potential to provide some of the highest yield figures for shellfish culture, particularly if some of the other problems associated with the growth of the off-bottom industry can be adequately resolved. The actual dollars generated by off-bottom culture are not precise; current figures do not distinguish between culture practices and many figures do not distinguish between cultured product and wild stock.

Most of the traditional oyster grounds in Massachusetts have now either been closed due to pollution or have been harvested to the point of extinction. Significant natural sets still occur in some of the salt ponds on Martha's Vineyard and in the Towns of Wellfleet and Wareham, but much of the current production is aquaculturally-derived, utilizing both naturally produced and hatchery seed. The most favorable growing areas and licensed-areas are found in the waters around lower Cape Cod; virtually no oysters are harvested north of Cape Cod.

Catch statistics from 1889 to the present indicate that oyster production in Massachusetts has steadily declined since the turn of the century. Production fell during the 1950s and has remained relatively constant since that time. The sharp decline in the 1950s occurred during a period of set failures in Long Island Sound that prevented Massachusetts growers from obtaining seed. The brief resurgence in the industry in the 1980s resulted from the increase in the availability of seed from Connecticut in the 1970's.

The importation of seed had to be discontinued in the mid-1980's after the identification of the oyster pathogen - *Haplosporidium nelsoni*, commonly known as MSX Disease, among the imported oysters. Recently, oysters selectively bred for resistance to MSX at Rutgers University have shown encouraging results and offer considerable hope to the industry. More recently, however, oyster growers have suffered heavy losses among juvenile oysters from a cause other than MSX, presumed to be a pathogen, but as yet unidentified. These recent mortalities, which

produced heavy losses in 1990-1991, occurred among hatchery-reared seed in Massachusetts, New York, Rhode Island, and Connecticut.

Reported total landings on Cape Cod in 1989 were approximately 7,000 bushels, of which more than half were cultured on private growing grounds. In 1990, the wholesale price for oysters was slightly over \$10.00 per pound (shucked), or more than twice that for quahogs.

Massachusetts has always been a major producer of bay scallops, although predominantly from the harvest of wild, rather than cultured, stock. This species rarely occurs in commercial quantities north of Cape Cod, exceptions being Plymouth and Duxbury Bays, but the comparatively warm water of the numerous and shallow coves and salt ponds of southern Massachusetts have provided an ideal habitat in the past. For many coastal communities, the bay scallop fishery has produced a steady source of income and has been an important contribution to the economy during the winter.

The price for bay scallops varies greatly from year to year, varying indirectly with abundance. In 1990, which was a lean year, the ex-vessel price was \$6.61 per pound of shucked meats. In more productive years, the price may be considerably less. A consistent characteristic of the bay scallop fishery has been fluctuations in abundance from year to year, with relatively productive years often immediately followed by general scarcity. The annual bay scallop harvests in Massachusetts near the turn of the century were not much larger than in good years today. However, during the 1970s and 1980s, bay scallops virtually disappeared from many areas in which they were quite abundant, and good years occurred infrequently. It is suspected that the disappearance of the bay scallop in some areas may be linked to increasing boat traffic, as larger amounts of hydrocarbons - a toxin to this species - are released into the water. Some research has linked the loss of eelgrass and eutrophication of coastal waters to the decline in bay scallop productivity through the reduction in preferred scallop habitat. A blight in the 1930's which destroyed much of the eelgrasses on the Atlantic Coast resulted in the total collapse of the bay scallop fishery. Today, a variety of non-point source pollutants have impacted the abundance of eelgrass and therefore poses a threat to bay scallops.

In the past, only the adductor muscle of the bay scallop has been marketed for consumption. Pathogens do not accumulate in the adductor muscle. Therefore, scallops may be taken from areas closed to the harvest of other bivalves if only the adductor muscle is to be marketed. However, increases in whole and roe-on scallop consumption has increased, and these scallops must come from approved areas. The legal proscriptions against the harvesting of scallops less than one year old has provided a practical means for protecting the natural stock. Bay scallops, however, are highly sensitive - particularly in the embryonic and larval stages - to a variety of chemicals frequently associated with industrial and domestic wastes and the adults cannot survive in areas of heavy siltation or reduced oxygen conditions.

Although the bay scallop is readily cultured through its early development in hatcheries, to date it has proven impractical to rear to maturity in large numbers in the wild due to its mobility, as well as its vulnerability to predators. This is where aquacultural techniques such as lantern nets have the potential to become so valuable.

g. Off-bottom Culture -- Problems

The following are problems, both real and perceived which are associated with Off-Bottom Culture.

**Historic/Cultural**

Water column culture suffers from the same lack of common understanding afflicting bottom culture. The cultural identity of Massachusetts in its wild shellfish industry is at odds with the notion of a domestic shellfishery, particularly one that intrudes upon traditional shore and near-shore activities. Off-bottom culture also intrudes upon the water surface and near-shore bottom, affecting mooring availability, recreational boating, navigation, and commercial fishing activities.

**Use Conflicts**

Due to the exclusionary nature of this aquaculture technique, other activities (including navigation) in the area of a water column aquaculture facility are displaced. Siting of these facilities is therefore subject to considerable controversy from other users.

**Entanglements**

There have been reports of marine mammals and reptiles, including endangered species, becoming entangled in off-bottom facilities particularly in Cape Cod Bay. Measures need to be taken to reduce such interactions.

## **13. FISH FARMS & OTHER TYPES OF AQUACULTURE**

### **13.1. Fish Farms**

The rearing of finfish in floating structures: net pens, cages, or enclosures, is a developing industry on both coasts in response to greater demand for a quality, cultured product and diminishing wild fisheries.

Fish farms are not to be confused with ocean ranching. Ocean ranching is the practice of releasing cultured salmon from a designated location into the wild, with the expectation that the salmon will return to the point of release in sufficient numbers to create an economically viable enterprise. There are no ocean ranching facilities presently operating on the east coast of the United States, although the practice is prevalent in the Pacific Northwest and Canada.

The fish farm industry has a longer history in the Pacific Northwest than it does on the East Coast. The commercial culture of salmon in the Puget Sound area of Washington began in the 1960's, but has grown slowly since. In 1994, a total of six growers produced approximately 4,800 metric tons at 12 sites. Atlantic salmon (*Salmo salar*) was the predominant species grown, followed by coho salmon (*Oncorhynchus kisutch*) and chinook (*Oncorhynchus tshawytscha*). Chinook and coho are grown extensively for fishery enhancement purposes in Washington and Alaska.

The only fish farms located in New England are in Maine, where concerted efforts have been made to encourage their development and establish a streamlined, but strict regulatory climate. Such a framework encouraged rapid growth between 1988 and 1993, but total production dropped by 1.5 million pounds in 1994. Currently, there are twenty-three fish farm leases in Maine, predominantly in the Cobscook Bay area. The leases represent approximately two square miles (out of Maine's 2,000 square mile coast). The predominant species reared is Atlantic salmon. Finfish farms have been proposed in Massachusetts offshore of the north shore, in Cape Cod Bay and south of Martha's Vineyard.

#### **a. Potential Marine Species to be Cultured**

There are presently no marine fish farms in Massachusetts. Aquafuture is raising hybrid striped bass in Turners Falls. The following species have been proposed for farming in the state.

- Atlantic Salmon (*Salmo salar*)
- Atlantic Cod (*Gadus morhua*)
- Steelhead Trout (*Oncorhynchus mykiss*)

Summer Flounder/fluke - (*Paralichthys dentatus*)

Winter Flounder - (*Pleuronectes americanus*)

Bluefin Tuna - (*Thunnus thynnus*)

b. **Technique**

A fish farm operation consists of distinct components and support arrangements. In addition to the enclosures themselves, boats, ramps, handling equipment, on-and off-loading equipment, and hatchery and/or fry-holding facilities are necessary.

Salmon are normally raised in net-pens, which vary in size and shape depending on the scale of the operation and other factors such as water depth and wave energy. The average dimensions of a typical square pen are 10 meters on a side by 4 meters deep, but circular designs can be up to 30 meters in diameter and 30 meters deep. Pens normally consist of an inner containment net and an outer predator net. Clearance between the predator net and the bottom helps to maintain water circulation, which distributes metabolic waste and excess feed. Pens are usually strung together, connected by walkways, to form a single system. Several systems may exist on one lease site.

Eggs are hatched and fry are obtained from fresh water hatcheries for salmonids. Salmon smolts are generally transferred to net pens off-shore in the spring, where they are held until reaching harvest size. Harvest size will vary depending on the market, the demand, and the regulatory climate. For example, fish meant for the "pan-sized" market would be held until they weighed 0.3 - 0.5 kgs.

Despite being at a competitive disadvantage to wild fish, farm-raised fish do exhibit most of the behavioral traits of an anadromous species. They will migrate to sea if allowed, and return to rivers that are in proximity to their point-of-escapement, and they spawn successfully.

c. **Legal Issues**

There have been a few proposals to operate offshore fish farms in federal waters off the coast of Massachusetts. One such project was proposed by American Norwegian Fish Farms, Inc. in 1987. The plan described 90 circular net-pens to be sited 35 miles east of Cape Ann and a smolt-raising facility located inside the Rockport breakwater. The Corps of Engineers issued a permit for the offshore site in 1990, but suspended it nine months later after the U.S. Navy raised concerns that the site was located in a designated submarine operating area.

In 1994, the applicant again requested a Corps' permit under Section 10 of the Rivers and Harbors Act of 1899, to deploy and maintain fish pens. This time the site was 53 miles east of Cape Ann, in the Wilkinson Basin, and would initially consist of one string of 10 pens. An eventual expansion to 90 pens would be sought if environmental, structural, and conflict-of-use concerns were satisfied by the

functioning prototype. Currently, the Corps is concerned that the proposed mooring design would not survive the site's high energy environment, and that the structures could create a navigation hazard if they were set adrift during a storm. Accordingly, the Corps has required the applicant to develop a mooring system that should, by design, survive the offshore environment.

Such proposals are often plagued by insufficient environmental, economic, and engineering information necessary for an adequate review. Once a project is subject to review, it must pass through a myriad of federal and state agency approvals. An evaluation of past projects illustrates the complexity of the legal requirements involved, as well as the need to create a more manageable structure for siting and permitting fish farms if they are to become economically viable in Massachusetts. Needless to say, the Norwegian American project did not pass the permit review and was not implemented, however, other similar types of proposals may be forthcoming.

Proposed fish farm in federal waters require permits from the U.S. Army Corps of Engineers for both ocean discharge and dredge and fill activities. The United States Environmental Protection Agency must review and approve an application for a Clean Water Act NPDES permit. The Department of Defense has to issue a waiver on the site as a "non-security" area. Approval by New England Fishery Management Council may also be necessary for any aquaculture facilities located in federal waters (outside of three miles). Additionally, a consistency determination from the state Coastal Zone Management office would be required of any project receiving a federal permit (ACOE, NEFMC). More detail on regulatory requirements can be found in the Legal chapter of this paper.

For any component of the proposed facility to be sited in state waters, the environmental agencies of the Commonwealth of Massachusetts must review a coastal finfish aquaculture permit application, a state clean water act permit application, and a variety of commercial fishing, brokering, storage, transfer, and sale licenses. A Chapter 91 lease (or permit) may be required for leasing state submerged lands, however, no such leases have been executed for aquaculture facilities to date. Bottom culture has thus far been waived from the necessity of applying for a Chapter 91 lease, because it is not an exclusive use of submerged land. Off-bottom culture and fish farms are more exclusive uses and therefore, may require a Chapter 91 lease.

This scenario of regulatory complexity is the same everywhere. Maine has created a separate regulatory structure for the encouragement and development of fish farms, distinct from the wild fishery. The Maine system establishes a "one-stop shopping" office for aquaculture generally, with varying requirements depending on whether the project involves a discharge (e.g. finfish) or structures (e.g. finfish and suspended shellfish) or neither (e.g. bottom shellfish culture). Under the jurisdiction of the Department of Marine Resources, Office of Aquaculture, the environmental, engineering, financial, and technical information necessary to

demonstrate permit compliance for the State of Maine and for the federal government is submitted and reviewed. This information is shared among the relevant agencies and after agency review is concluded, a public hearing is conducted on the feasibility of granting the aquaculture lease and the conditions attendant to it.

#### d. Environmental Issues

Perhaps the most controversial aspects of any analysis of fish farms are the myriad of environmental-impact questions raised. Fish farms influence and are influenced by a very complex set of natural and manipulated forces, including water velocities, water depths, wind and wave action, dissolved oxygen, temperature, salinity, and pollution. The most significant environmental changes addressed (and the changes most likely to create dissension, opposition to the industry, and regulatory chaos) can be summarized as follows:

##### Sedimentation/Organic Loading

Fish farms generate large amounts of solid wastes in the form of feces and unconsumed feed. These materials are generally deposited in the immediate vicinity of the culture structure. This deposition can result in physical and chemical changes to the natural sediments including decreased redox potential, increased sediment oxygen consumption, and increased concentrations of total volatile solids, total organic carbon, sulfides, nitrogenous compounds and phosphates. While there are profound effects on sediment chemistry and consequently the sediment biota, these effects appear to be localized. Visible accumulation of solids and the alteration of sediment chemistry typically extends no more than 30 meters from the culture structure and benthic community changes observed have been limited to the same thirty meters. Sediment accumulation may be expected to occur beneath any culture facility when less than 15 meters exists between the bottom of the structure and the sea floor. Sediment accumulation is possible at even greater depths, but little data is available since few culture operations have been sited in deeper waters.

The accumulation of organic-rich sediments beneath culture facilities and the consequent depletion of oxygen in the sediment pore waters results in changes in the infaunal invertebrate community. Loss of species intolerant of organic enrichment (typically echinoderms, crustaceans, and mollusks) often occurs. Opportunistic species like polychaete worms may move in and attain numerical dominance in the community. In cases of extreme organic loading, the sediments within the area of greatest impact may reach complete azoic and anaerobic conditions, and form and release methane or hydrogen sulfide gas. These conditions, where they exist at all, tend to be temporally limited to warmer periods of the growing season when feeding and growth rates are high. These impacts may be avoided entirely by modifying the amount of feed used in order to prevent overfeeding and the accumulation of excess feed on the substrate.

Accumulation of organic material in the vicinity of a fish farm may result in the loss of nonmotile megafauna (i.e. surfclams) living in intimate contact with the sediments. However, fish and motile megafauna (e.g. crabs) living on or above the sediment surface are typically found in higher densities around fish farms than in the surrounding area. The attraction of fish and megafauna to the culture area is probably due to increased availability of food in the form of feed unutilized by the cultured fish, the high abundances of opportunistic macroinvertebrates, and the epifaunal organisms living on the culture structure or which fall to the bottom.

Massachusetts' New England Fisheries Development Association is carrying out an interesting polyculture experiment in Maine, in which scallops in bags are being cultured salmon in net pens. In theory, the scallops should be able to use the waste organic material from the salmon for its energy requirements.

### Water Circulation

Fish farms may change water circulation and water-quality. The likelihood of these effects and their potential magnitude is highly dependent upon site-specific conditions or the species cultured. A fish farm placed in the marine environment may reduce current velocity in the surrounding area, particularly in the down current direction. This reduction in current velocity will impair dilution and dispersal of wastes downstream of the farm. However, this effect is not likely to be significant except in cases of intensive culturing in an area with very restricted natural circulation.

### Water quality

Cultured organisms and culture practices alter the chemistry of the water passing through the fish farm, most notably increasing ammonia concentrations and decreasing dissolved oxygen concentrations. The concentration of nutrients and BOD in the water passing through fish farms are generally very dilute compared to most other discharges to the marine environment.

### Phytoplankton

There are no good available data quantifying phytoplankton changes in the Gulf of Maine as the result of the existence of the 23 currently operating fish farms. As many local species are not limited by the addition of nutrients, it is not likely that measurable effects will be imminently detected. Nutrients may periodically be limited in vertically stratified areas and in poorly flushed embayments.

### Exotic species

The importation by fish farms of live stock into the state may represent a threat to wild species. Introduced species may establish self-sustaining wild populations,

potentially becoming pests or eliminating native species. Future import requests should be carefully evaluated for this potential.

### Toxics and Disease

There are several issues for which available data are inadequate for a conclusive determination of significance. These include (1) the environmental and public health effects of antibiotic usage; (2) alteration of the wild gene pool; (3) the capacity for a fish farm to serve as a disease reservoir for the infection of wild organisms; and (4) the proliferation of human pathogens in the vicinity of fish farms.

Concerns over the introduction of disease through fish farms have long been expressed. Recently, outbreaks in fresh water rivers and streams of whirling disease have magnified this concern. The general outbreak of a species-wide disease is usually associated with some form of stress. Within the culture environment, fish may be stressed by overcrowding, undernourishment, poor water quality, and physical damage associated with handling and confinement. An infected hatchery population of trout was released into a Colorado stream and infected the wild population resulting in large scale mortalities. Wild fish in a Utah river were reportedly infected with whirling disease by water discharged from a hatchery. Last year, the state of New York ordered the destruction of 43,000 pounds of fish from four hatcheries because they were infected with whirling disease. These episodes, if they persist, present a clear challenge to all aquaculture projects.

In marine environments, the transmission of parasites from farmed populations to wild ones has been documented. In Norway, the level of sea lice infestation on wild salmon in some areas where salmon farming is concentrated, has been found to be 10 times greater than areas where there are no farms. In 1990, it was estimated that 500 metric tons of wild salmon were lost from various diseases in Norway.

Although salmonid bacterial diseases are not transmissible to human consumers, there has been some question raised about whether the organic enrichment of bottom sediments caused by fish farms could promote the growth of those species pathogenic to humans. Consumption of shellfish collected in the vicinity of a mariculture operation could then serve as a vector for human infection. This is an issue where available scientific evidence is very meager, but experience to date has failed to demonstrate cause for concern. Increased bacterial abundance in sediments beneath fish farms is probable, but it has not been demonstrated that this increased abundance is of any significance in terms of human health.

### Genetic Effects

The issue of the genetic effects of fish farms is still somewhat speculative. Cultured organisms may be at a competitive disadvantage with respect to wild stock. If escapes and interbreeding occur, there could be some temporary loss of reproductive capacity in the wild population resulting from the production of less-fit genotypes.

The potential magnitude of this effect is dependent upon the proportion of the breeding population comprised of escaped animals. It should be noted, however, that for years fisheries managers have routinely transferred hatchery-reared salmonids between river systems to improve commercial fisheries.

Recent evidence has shown that more farm raised populations are escaping than was previously thought. In Norway, single incidents resulted in the loss of 1,453,000 and 700,000 fish in 1991. The annual average of escaped fish in Norway between 1988 and 1991 was two million. Scotland has had losses of up to 184,000 in one incident. In New Brunswick, Canada, it is estimated that 33% of the salmon populating their rivers originated from fish farms. In Maine, escapements have been reported to occur from seals breaking through both inner and outer nets in an attempt to prey on the salmon. There is some fear that the return of Atlantic salmon to the Connecticut and Merrimack Rivers are primarily from hatchery stock and thus invading the few wild fish that are left. The potential damage to wild stocks is a real, but not well-understood concern.

### Drugs

Fish farms require the use of drugs (antibiotics, hormones, vitamins, parasiticides and fungicides) in order to maintain healthy populations of fish. Public concern about human health and environmental impacts from such drugs has generated an increasingly strict interpretation and enforcement of regulations by the U.S. Food and Drug Administration resulting in a scarcity of federally approved drugs. Consequently, the efficiency of fish farms has been diminished and costs have increased. Furthermore, pharmaceutical companies are reluctant to invest in aquaculture drug research because of the difficulties associated with gaining FDA approval for such drugs reducing their market potential. Only three therapeutic and one anesthetic drugs are currently approved and available for use by hatchery managers. In response to this pressing problem, state fish and wildlife agencies, including Massachusetts, are each contributing \$100,000 over the next 5 years to support the certification of a few essential drugs already being used on a pilot basis.

Although potential environmental effects have not been adequately quantified, some drug characteristics can assure a more limited impact. For example, the greater the use of highly water-soluble drugs (i.e. oxytetracycline), the less impact there is anticipated on surrounding waters. However, more research and development with the pharmaceutical industry's backing is necessary for future aquaculture improvements.

### Structural Integrity

The structural integrity of fish farm structures and the damage that broken structures could cause on vessels underway and adjacent shoreline facilities is an issue which must be considered when evaluating the effects of offshore fish farms.

Since most offshore sites in Massachusetts are very exposed to storms, the possibility of facility break-up is real.

e. **Economics**

The prospects for this industry, however, are clear. World demand is consistently outstripping supplies of finfish and states (i.e. Florida, Virginia, California) in which efforts have been made to encourage the industry are demonstrating economic success. In 1991, Puget Sound fish farms produced approximately 1,500 metric tons of salmonids, primarily coho (*Onchorhynchus kisutch*), chinook (*Onchorhynchus tshawytscha*), and Atlantic (*Salmo salar*) salmon. Maine produced 6,100 metric tons of cultured salmon and trout in 1992 and 360 full-time jobs in the fishery with sales of over \$30 million.

f. **Problems Associated with Fish Farming**

The concerns raised about fish farms are similar to those encountered when feedlot management is proposed: pollution, disease, overcrowding, competing uses/abuses and degradation of resources. Traditional uses of this public resource further complicate the siting and promotion of fish farms.

Conflicting Uses

Because fish farms can be an exclusive use of submerged lands, siting fish farms is generally very controversial. Siting problems occur both because other users want to use the same area slated for fish farm development and because shore side landowners and sometimes, communities oppose the locations of fish farms from an aesthetic perspective. Traditional users of the space, such as commercial fishermen and recreational boaters, object to being excluded from the use of public lands. The aesthetic argument has prevailed in some areas of Washington State where aquaculture has basically been shut out by the viewpoint that pristine views are more important (for tourism and lifestyle) than is aquaculture. On the other hand, the argument that aquaculture is a priority use of submerged lands, a means of diversifying the economy in coastal areas and increasing the availability of fresh seafood has resulted in the successful siting of fish farms in several areas of the country.

Fish farms occupy a three-dimensional space; the surface, water column, and bottom. This use effectively forecloses the area of the water column and the bottom from certain other uses; i.e. lobstering, and has been the basis for continuous objection to the siting of fish farms. Currently, this is not a realistic concern. There are no leases in Massachusetts and the leases that exist in Maine obstruct insignificant amounts of the bottom and the water column, relative to their productivity. The Maine Department of Marine Resources (DMR) and the Maine State Planning Office report that, in 1992, lobster production was valued at fifty million dollars, while farmed Atlantic salmon were valued at 88 million dollars.

There is no current, reliable data available to conclude one way or the other whether fish farming depresses lobster take. Maine DMR believes that there is no relation, as fish farms in Maine do not remove significant amounts of productive lobster bottom. Conflicting uses, including lobstering are considered by DMR when making lease determinations.

### Competition with Traditional Fisheries

The next objection has effectively foreclosed fish farms in some areas; pressure from commercial wild fishermen who do not want to compete with cultivated stock for the same market. In Alaska, where the wild fishery is an extremely potent legislative force, fish farms are proscribed. Although fish farms represent a potential for tremendous productivity and economy of scale, traditional fishermen are very suspicious of them and many objections have been raised about encouraging their development in New England as well.

Scientific uncertainty about the impacts of fish farms on other species, benthic populations, water quality, wind and wave action, disease, and predation, raise a series of questions about indirect costs of fish farms, with few good answers at this point. In Maine, there has not been any reported negative impact on the wild fishery, despite considerable monitoring. The monitoring, however, has been limited to benthic communities and water quality on site. The threat is real enough that the National Marine Fisheries Service and the U.S. Fish and Wildlife Service are currently considering the need to list the Atlantic salmon as endangered or threatened in seven rivers in Maine. The Status Review for Anadromous Atlantic Salmon in the United States, published in January 1995, identifies salmon aquaculture as a major potential threat to the continued existence of the wild population.

### 13.2. Seaweed

Seaweed is an important food source in the Far East and portions of Africa; several varieties of seaweed are cultivated as vegetables, among them *Porphyra*, *Ulva lactuca*, *Chondrus crispus*, and *Eucheuma*. Its use in the United States, until very recently, has been limited to phycocolloids, the gelatin-like substance extracted from seaweed that is used as a food and drug additive. The phycocolloids are extracted for use as emulsifying, binding, and smoothing agents in foods and drugs. The primary phycocolloids are carrageenan, agar, and alginate and are commonly found in ice cream, pudding, and toothpaste. Carrageenan is being studied because of its ability to slow, and in some instances, to halt the progress of the AIDS virus. Researchers have found that carrageenan inhibits the genetic replication of the AIDS virus and prevents infected cells from fusing together.

Research into seaweed culture and uses of seaweeds in Massachusetts is being conducted Northeastern University's Marine Science Center. Additional research

in the area is being directed at the State University of New York at Stony Brook, the University of Maine at Orono, and the University of Connecticut.

a. **Species Cultured in Massachusetts**

Although no commercial seaweed culture currently exists in Massachusetts' territorial waters, experimentation and demonstration projects do exist, researching seaweed aquaculture both as a stand-alone operation and as a polyculture with fish farms. The potential exists for production of an economically viable product that utilizes the by-products of fish farm culture.

There is one commercial seaweed farm operating in Maine today that is experimenting with growing two forms of edible seaweeds that use nitrogen- and phosphorus-bearing waste (components of fish wastes) as their food source. The project has not been operating long enough to develop dependable data sets, but the early monitoring results are promising.

The seaweed farm, operating in Passamaquoddy Bay, Eastport, Maine, is culturing two Japanese species of edible seaweed; *Porphyra yezoensis* and *Porphyra nori*. The operation grows and distributes its own product and sells pre-seeded nets to other entrepreneurs. Interest in growing seaweed along the east coast is high and many small demonstration projects are being developed by researchers and aquaculturists (the University of Massachusetts at Boston, the University of Maine and the Maine Aquaculture Innovation Center are all experimenting with seaweed culture).

b. **Procedure**

The culture process is different and less labor-intensive than fish farming. The seaweed growing apparatus, consisting of 60' by 5' nets stretched across PVC frames, are set out in mid-May in Maine and removed by December. Scallop shells are "seeded" with seaweed spores and spread on the sea bottom. The nets are then placed over the shells, to allow the spores to seed onto the nets. Once seeded, the nets are brought to just below the surface of the water and the seaweed grows, primarily by digesting nutrients from the surrounding water. For the first three weeks after seeding, the nets are raised above the water surface daily to dry. The drying process does not affect the cultured species, but effectively destroys microscopic diatoms that attach and compete with the cultured seaweed. After the first three weeks, the drying process is no longer necessary; the porphyra will have grown large enough to resist diatom intrusion. The first crop takes approximately six weeks to mature and subsequently, for the next four - six weeks, can be harvested weekly.

### **c. Problems Associated with Seaweed Culture**

Limited markets presently exist for seaweed products on the East Coast. Although the demand for fresh nori and other types of edible seaweed is significant in Japan, quality control, shipping problems and most importantly, trade restrictions, hamper East Coast production. The edible seaweed market in the United States is currently worth approximately thirty million dollars annually. Although the Japanese market, estimated to be worth 1.5 billion dollars annually, is closed to foreign imports, edible seaweed is one of the products currently being negotiated by the United States Trade Representative.

### **d. Economic Issues**

The economic advantages of polyculture (combining fish farming and seaweed culture) are clear. Currently, Maine salmon farmers use between 20 - 30% of their total lease area for actual fish culture; seaweed culture could be employed in the fallow areas without obstructing the fish farm operations and maintenance. The seaweed would utilize some of the by-products of the fish culture and the necessary state and federal permits (Maine Dept. of Marine Resources Aquaculture Leases, approvals from the Coast Guard and the United States Army Corps of Engineers for siting, federal NPDES permits) could be obtained contemporaneously, with the submission of similar information for both operations. Additionally, the costs of lease payments, permit fees and marine monitoring could be offset to some extent if polyculture becomes viable.

### **13.3. AMERICAN LOBSTERS (*Homarus americanus*)**

Cultivated lobsters represent theoretically one of the most profitable aquaculture species for Massachusetts. At present, only two commercial lobster culturing facilities exist; one in Monterey, CA and one on Prince Edward Island, Canada. The Massachusetts Division of Marine Fisheries operates a lobster hatchery in Oak Bluffs, Martha's Vineyard for research and enhancement of the natural fishery.

Lobsters have the requisite characteristics to produce a marketable and very profitable commodity; species' toughness for this area, a demand that always exceeds the supply, a (potentially) diminishing wild fishery, a market price that maintains itself at dependably high levels, and little domestic or foreign competition. The primary obstacles to turning lobster aquaculture into an economic reality are the costs of culture and the length of time it takes a lobster to achieve market size.

#### **a. Procedure**

The Massachusetts State Lobster Hatchery was established in 1949, pursuant to a mandate of the Legislature for a facility designed to promote research into the

biology of *Homarus americanus* and to maintain and enhance Massachusetts wild stock.

The hatchery operates two programs; a research and development facility and a hatchery and stocking program. Between May and August, egg-bearing female lobsters ("eggers") are collected by the Division of Marine Fisheries and commercial fishermen and brought to the hatchery, producing an average of 3,500 eggs/year. The eggs hatch out as first stage larvae, which are free-swimming, cannibalistic, and about the size of a mosquito.

The larvae are held at the hatchery for three molts, until they become fourth stage larvae. At fourth stage, rather than remaining in the water column and on the surface, the juveniles gravitate to the bottom and begin developing legs and claws, freeing them from surface predation and allowing their diet to expand to include hard food sources. This first-to-fourth-stage molting period is a critical period in lobster development; DMF biologists estimate that less than 1/10 of 1% of the young lobsters who hatch initially survive in the natural environment through the fourth molt stage. Hatchery survival rates are much higher, up to 75%.

The reasons for such high juvenile mortality arise from the external environment. First-through-fourth-molt lobster larvae are free-swimming with marine plankton in the water column and on the surface. They are subject to predation pressure from a variety of other organisms and are very vulnerable to toxics in their environment, particularly hydrocarbons produced by boats.

#### b. Problems Associated with Lobster Culture

From hatch-out, lobsters are cannibalistic and will freely feed on each other, creating unique culture problems. In the hatchery, predation is controlled and the juveniles are discouraged from cannibalism by being kept physically separated (through the use of continuous bottom injection of water to keep the lobsters apart in the water column) and by being extremely well-fed. The costs associated with maintaining physical separation and diet requirements, along with the length of time till maturation, have prevented lobster farming from being a viable economic possibility for Massachusetts aquaculture.

#### c. Economic Issues

The average lobster catch over the past five years (1987 - 1992) has exceeded 14.9 million pounds, at a landing value of over 44.6 million dollars (DMF). Lobsters exceed the value of any other fish or shellfish caught in Massachusetts.

A lobster reaches sexual maturity and approximately one pound in weight in seven years in Massachusetts. Research is being conducted to accelerate growth rates and to breed for larger size and quicker development. It has been observed at the DMF hatchery that lobsters maintained in 70 degree F. temperatures all year long take

between five and seven years to mature. At this temperature, diet demands increase. Further research is necessary to develop an economically viable food source for lobster culture. Selective breeding is also being conducted to maximize the edible portions of the lobster. For example, it has been observed that lobsters fed hard shell food earlier into their life cycle develop two larger "crusher" claws, rather than the typical crusher claw and smaller, "ripper" claw.

#### **13.4. Other Potential Species**

**Sea Urchin Roe (*Strongylocentrotus droebachiensis*)** - The sea urchin roe fishery in Maine has been very lucrative in recent years and there is a small scale wild urchin fishery in Massachusetts. The huge demand for urchin roe comes primarily from Japan. Many believe that aquaculture holds great potential for urchin culture. Northeastern University and The Center for Applied Regional Studies received a Fisheries Industry Grant (FIG) in late 1994 to experiment with urchin culture at the Nahant Marine Lab. Initiated by and in collaboration with fishermen in Gloucester, the project will capture and culture urchins for only one to three months, in minimal facilities at sea, in order to increase gonadal content and, thus, ex-vessel value.

**Soft Shell Clams (*Mya arenaria*)** - Although the market price for soft shell clams is not as high as that for other bivalves, there is increasing interest and technological advancement in the culture of this species perhaps to be used to fund other projects. The primary reason for this is that *Mya arenaria* has a shorter growing period (14 months) than quahogs allowing for a faster and greater return on initial investments. Additionally, the available seed is often free when "steamer tents" are employed to catch a natural set. This scenario could be used to raise initial capital to grow the more valued quahogs. Not only can returns be reinvested more quickly, but "tenting" in effect allows aquaculturalists to use a portion of a grant to fund the purchase of the more reliable but expensive and slower growing quahog seed.

**Atlantic clams/surf clams (*Spisula solidissima*)** - Surf clam culture is being experimented with in Maine, CT. and Cape Cod using hatchery seed and hard clam growout technology.

**Tautog (*Tautoga onitis*)** - Tautog is a native groundfish with white meat which commonly occurs in rocky nearshore waters. Although not cultured commercially at this time, tautog experimentation is occurring at the research level on the Cape.

**Striped bass (*Morone saxatilis*), Haddock (*Melanogrammus aeglefinus*), Sea scallops (*Placopecten magellanicus*), Atlantic wolffish (*Anarhichas lupus*), Atlantic cod (*Gadus morhua*), and Atlantic halibut (*Hippoglossus hippoglossus*)** are all being cultured in the laboratory in the region and some are beginning to be cultured commercially.

## **14. SUPPORT SYSTEMS**

Hatcheries can be and are used to some degree in Massachusetts to supplement production of fish and shellfish both in the natural environment and for use in aquaculture facilities. Relaying and depuration are two different approaches used in the state for cleansing contaminated shellfish. Neither are presently used for aquacultured shellfish although the possibility exists that they could be.

### **14.1. Hatcheries**

There are several hatcheries in Massachusetts devoted to shellfish production. Although individual variations in diet or equipment may occur, the basic operations are similar.

In the typical hatchery, adult shellfish, selected for broodstock on the basis of desirable attributes such as rapid growth and disease resistance, are conditioned to spawn by being held in trays of circulating seawater at temperatures that stimulate the development of eggs and sperm. During the conditioning period, food in the form of microscopic unicellular algae is added to the seawater. The algal food may consist of several different species that are of proven nutritional value to bivalves and that are maintained in cultures in the hatchery facility.

After the conditioning process, which may last some weeks, the adults are induced to spawn, usually by exposing them to a rapid temperature increase and, if necessary, by adding a suspension of sperm to the holding trays. Eggs that are discharged are collected and thoroughly mixed with sperm to insure fertilization. The fertilized eggs are then transferred to tanks filled with seawater that has been filtered to remove possible predators. The temperature of the water in the larval containers is maintained between 25 - 30 degrees C. The larval density usually ranges from 1,000 to 10,000 per liter (approximately 4,000 - 40,000/gallon of water).

Although hatcheries may vary somewhat in their larval-rearing routine, it is the usual practice to change the water in the larval tanks several times each week. This is accomplished by draining the water from the tanks through fine mesh screens that retain the larvae. The tanks are then cleaned and refilled with warm, filtered seawater to which algal food has been added, and the larvae are returned to the tanks. The duration of the larval period in most hatcheries is between one and two weeks. These methods have been successfully applied to hard clam and oyster larvae in Massachusetts.

Many culturists do not go through the hatchery procedure for oyster seed production; in some areas culturists may rely completely on natural production. For example, on Long Island, NY, areas of natural bottom are dredged to remove oyster predators. Oyster shell is then spread on the bottom during the spawning period to collect seed. After a year of growing in the setting beds, the young oysters

are moved to more favorable growing areas, where they grow to maturity. This rather traditional system has worked when conditions are favorable for natural reproduction and when disease and predation can be controlled. In many areas of New England, natural reproduction is too erratic or negligible to provide a reliable basis for culture, making hatchery production an economic necessity.

**Aquaculture Research Corp.** in Dennis is the state's only commercial shellfish hatchery and produces clam spat for virtually all of Massachusetts' producers.

**The Martha's Vineyard Shellfish Group.** Five towns on Martha's Vineyard have a cooperative aquaculture agreement for the operation of a non-profit shellfish hatchery which produces seed quahogs, scallops, and oyster spat for distribution to the five Vineyard towns, the Martha's Vineyard Shellfish Group (MVSG). The solar hatchery provides the towns with shellfish seed and uses joint resources for research into improving methods of shellfish propagation. The hatchery has developed its own, genetically-tagged scallops in order to track survival, interbreeding, and population distributions when introduced into the wild shellfish communities. The project also runs public education programs on shellfish enhancement and culture, as well as pollution-abatement programs. The MVSG relies upon support from the state, Dukes County, the towns of Edgartown, Tisbury, Chilmark, Oak Bluffs, and Gay Head, private donations, and the expertise of the local shellfish constables, private aquaculturists, and research facilities at Woods Hole.

**The Nantucket Research and Education Foundation** is a pilot project for aquaculture training. The program is designed to expand the Town's economic base by enhancing wild shellfish populations through the grow-out of cultured seed and to train fishermen in hatchery techniques, water quality testing and monitoring, and shellfish aquaculture methods.

The Foundation supplies the Town with quahog seed, oyster spat, and eyed larvae and runs a training course in shellfish aquaculture, currently the only one in Massachusetts.

#### **14.2. Shellfish Relaying**

Massachusetts, along with most other states with shellfish resources, has vast shellfish beds that cannot be utilized because of contamination. As a result, the practice of relaying: moving contaminated shellfish from restricted areas to clean areas and allowing sufficient time for the shellfish to purge pathogens is monitored by the Massachusetts Division of Marine Fisheries. Shellfish are collected under DMF supervision and re-planted for at least one spawning season (June 15 - September 15). Relaying requirements vary from state to state but must be done according to National Shellfish Sanitation Program guidelines.

Relying provides several benefits. It allows for the utilization of an otherwise unavailable resource; it works over (cultivates) existing natural beds, usually of benefit to the substrate; it further distributes a local gene pool and may provide some natural spawning enhancement. The most significant benefit may be the depletion of natural stock from polluted areas, which reduces the incentive for illegal harvests. Illegal harvests of contaminated shellfish pose a significant public health hazard.

Relying is not cheap; careful oversight, testing, and monitoring is required. However, in Massachusetts, it has generally been found that the retail value of relayed shellfish, coupled with the unmet production demands, offsets the costs of relaying.

In Massachusetts relaying has been restricted to municipal propagation and enhancement programs and is generally not regarded as aquaculture. The use of moderately contaminated areas as nurseries and a source of seed for aquaculture has been under consideration for some time, but contaminated shellfish are considered to be a public resource. The relaying of moderately contaminated shellfish from other states has been allowed in the past, but is not presently common. In these circumstances stock must be held for at least 30 days before harvest.

#### 14.3. Depuration Facilities

Depuration is the term applied to the purification of shellfish, harvested from moderately contaminated areas, under controlled conditions. The process generally involves holding the shellfish in tanks of flowing seawater for periods of forty-eight to seventy-two hours. The seawater used is sterilized by ultraviolet light. Shellfish harvested from moderately contaminated areas normally purge themselves of bacterial contaminants within forty-eight hours, but may be held for up to 72 hrs. in some circumstances, after which a decline in quality and shelf life may occur.

Philosophic and practical conflicts surround depuration activities. Like relaying (removing shellfish from moderately contaminated areas and re-planting them in clean substrate), depuration provides the means for utilizing an otherwise unavailable resource. It also represents a way of assuring consumers of a clean and safe product. Depuration is practiced globally: England, France, Spain, and Australia have successfully used it for years with a variety of species. Massachusetts has practiced depuration techniques for over sixty years.

Depuration has been resisted on several fronts. Commercial fishermen fear a loss of economic control over the product. Scientists have retained certain reservations about the process. It has been discovered in soft clams that, if harvested from severely polluted areas; i.e. fecal coliform counts in excess of 88 per 1000 ml, a percentage of the shellfish will fail to purge themselves within the forty-eight to seventy-two hour period. It has also been found that some shellfish, particularly if damaged during harvest, may not siphon during the depuration period at all.

Finally, even if the shellfish can be purged of most of the bacteria contained in their gut, they may not be able to release viruses in their tissues. Others argue that depuration discourages solving the pollution problems which lead to shellfish bed closures. However, given that population models project that by the year 2000 half of the nation's population will be living within the coastal zone, the challenges toward coastal pollution abatement will continue to grow irrespective of practices such as depuration.

Although several eastern states have authorized the operation of depuration facilities by private sector entities (i.e. Virginia and Maine) Massachusetts has no private depuration capacity. The Department of Fisheries, Wildlife, and Environmental Law Enforcement, Division of Marine Fisheries, operates a shellfish depuration facility for soft shelled clams at Plum Island, in Newburyport.

The Massachusetts Plum Island facility is the only depuration operation in the Massachusetts/Rhode Island/New Hampshire area. Only clams harvested from moderately contaminated areas, i.e. with fecal coliform counts ranging between 14 and 88 per 100 ml, are accepted for processing. Any clams brought to the plant by fishermen and found to have fecal coliform concentrations in excess of 1600 per 100 grams of meat prior to treatment are not considered acceptable and are confiscated. This is because many clams having such high initial bacteria counts may fail to purify within the prescribed time period. Clams qualifying for treatment are held in seawater sterilized by ultraviolet light for 24 hours and are again analyzed. Those with fecal coliform concentrations no greater than 500/100 gram sample after the initial 24 hour period may be released for market without further testing after an additional 24 hours of purification. If the initial 24 hour test indicates concentrations higher than 500/100 grams, additional samples from this group are analyzed again after 24 hours. By the end of the total 48 hour treatment, the counts must be less than 230/100 grams. If they are not, the shellfish are retained for further sampling or confiscation. The ultimate objective is to meet the National Shellfish Sanitation Program standard of median concentrations of 50 fecal coliforms/100 grams within a 48 hour period, with no more than 10% of the samples exceeding 130/100 grams.

The Plum Island facility operates year-round and currently processes approximately 50,000 bushels of clams during the year. During its sixty year history, there has been no record of any illness that could be attributed to clams processed at the facility. Shellfish which are depurated at the Plum Island facility are tagged as safe for consumption so as to "certify" their cleanliness for marketing purposes.

Depuration has not proven to be successful in purging shellfish of heavy metals. Although scientific literature suggests that metal depuration is possible, the mechanics of that process have not been adequately addressed. Metal depuration rates vary widely, showing diverse ranges for the same metal within different bivalve species and for different metals within the same species. Laboratory studies have demonstrated that depuration of quahogs of heavy metals was insignificant.

Depuration is not presently used by aquaculturists in Massachusetts but could be under different scenarios. For example, if a shellfish grow-out area became contaminated prior to harvest, an aquaculturist could feasibly bring his harvest to a depuration plant or relay them for cleansing rather than dumping them. Despite warranted concerns, depuration should be evaluated as a potential option while still adequately addressing the public health questions because it makes available to the public natural resources which would otherwise be unutilized.

## **15. WATER QUALITY**

The successful growth, propagation and harvest of aquatic animals, whether freshwater or marine, is heavily dependent upon the quality of the surrounding water. The presence of toxic chemicals (i.e. metals, petroleum products, etc.), overloading of nutrients (i.e. untreated, partially treated sewage, point source discharges, non-point source discharges), atmospheric deposition (i.e. lead from internal combustion exhaust, acid rain) artificial or uncontrolled temperature variations (i.e. power plant cooling water) and algal decomposition all degrade water quality. Degradation of water quality eventually results in lower concentrations of dissolved oxygen, contamination of fish, shellfish, and substrates with heavy metals, toxic chemicals, and disease-bearing pathogens.

The die-off of indigenous shellfish populations due to coastal development, shrinking habitats, and pollution through both point- and non-point source discharges, contributes to the descending spiral in water quality. Bivalve filter feeders, such as oysters, clams, quahogs, scallops, and mussels, represent one of the more efficient, natural, available bio-filtration systems. Filter feeders relative to their size, strain enormous quantities of nutrients and algae from the surrounding water. This process helps to maintain and improve water quality. Once die-off or other forms of population depletion begins, so does an associated increase in nutrients and algae and a resulting decrease in water quality.

## **COASTAL DEVELOPMENT**

The effects of coastal development on shellfish-growing areas is indicated by the increasing acreage degraded by anthropogenic pollution sources from 1985 to 1990. For example, the largest increases are attributed to urban run-off, impacting 23 to 38 percent of harvestable Massachusetts waters. [Division of Marine Fisheries]. The acreage adversely affected by faulty septic systems increased from 22 percent to 37 percent during the same time period. Pollution from septic systems is associated with continuing residential growth, as well as pressure from the increase in tourism and vacation home development. Also indicative of accelerating pressures from coastal recreation is the increase in waters adversely affected by boating, up from 11 to 18 percent (National Shellfish Register, 1991).

Physical alteration of the coastal environment (dredging and filling; erosion and siltation; damming and/or diversion of streams; constriction of estuary mouths by bridges and causeways; construction of malls, shopping centers and housing developments on the waters' edge) has also had a significant negative impact. Increasing demand for building sites in coastal communities has resulted in destruction of tidal wetlands, an important component of the marine ecosystem that provides a habitat and nutrient source for many species.

Since the late 1950s, disease has taken a heavy toll on shellfish populations already weakened and stressed as the result of degraded water. According to the National

Shellfish Register, "Preliminary findings suggest that the ability of shellfish to withstand such infection is compromised by environmental pollutant stresses."

In Massachusetts, shellfish populations have historically been regarded as a public resource available to all. Under such conditions, municipal and state agencies must manage shellfish with only limited public funds, relying heavily upon nature to sustain or enhance these natural populations.

Dr. David Belding pointed out "In the early days, when the natural supply was apparently inexhaustible, and practically the entire population resided on or near the seacoast, it was just that all people should have common rights to the shore fisheries. As long as the natural supply was more than sufficient for the demand, no law could have been better adapted for the public good. Now, it is obvious that nature alone cannot be depended upon to sustain these resources." [Profile of the Shellfish Industry in Southeastern Massachusetts, 1930].

## **SHORT AND LONG-TERM IMPACTS**

Acute water quality problems are characterized by sudden, easily recognizable changes in the smell, surface appearance, or turbidity of the water. The most common causes include discharges of chemicals, sudden changes in temperature, the kind of emergency that requires an immediate response; i.e. overturned chemical truck discharging into a receiving stream, an oil spill, etc.

Chronic Water Quality Problems, characterized by low levels of dissolved oxygen, high temperatures, advancing eutrophication, fall-off in indigenous species' populations, are typically caused by frequent, small incidents of water pollution, or "non-point source pollution." The leading probable cause of algal growth, low dissolved oxygen concentrations, salinity and temperature fluctuations, high coliform counts, and resultant lower productivity in coastal shellfish populations are non-point source discharges. [U.S. EPA 1992. The Nation's Water; (OSW No. 24-01-W)].

## **WATER QUALITY IMPACTS ON COASTAL RESOURCE AREAS**

Some of the more noticeable effects of degraded water quality are (1) the die-off of eelgrass and other aquatic vegetation, (2) lower levels of dissolved oxygen, (3) contamination of shellfish beds, (4) and the poisoning of fish larvae.

Constant, low-level pollution results in breaking some of the first links in the food chain and killing off organisms upon which small fish feed, thus reducing the quantity of prey available throughout the food chain. Deprived of food and shelter, the populations and species diversity of fish and crustacea decline. Toxic chemicals accumulate, diseases and abnormalities increase. These consequences move up the food chain with more fish, shellfish, birds, and mammals dying or failing to reproduce. These phenomena are not limited to near-shore areas. Many off-shore

species spend a portion of their lifetime in the near-shore environment, or depend upon food produced by coastal systems.

Loss of commercial and recreational shellfish catches because of shellfish bed closures due to high coliform counts are directly correlated with human-generated, point source and non-point source discharges. Poorly flushed embayments are particularly susceptible to pollution of shellfish beds. Areas with combined sewer overflows (CSOs) or a high level of recreational boating are also likely to be closed to shellfishing, at least conditionally for portions of the year [Division of Marine Fisheries].

## SHELLFISH HABITAT

Quahogs (*Mercenaria mercenaria*), oysters (*Crassostrea virginica*), bay scallops (*Argopecten irradians*), soft shelled clams (*Mya arenaria*), surf clams (*Spisula solidissima*), and blue mussels (*Mytilus edulis*) are culturally and economically the most important species in Massachusetts. The most prolific beds, whether wild or cultured, tend to be established in coves, bays, and similar areas where fresh water flows dilute the seawater, tidal action is regular, there is a constant supply of food, and protection is afforded from storms and surges. These beds are subject to greater risk from bacterial or chemical contamination and consequent degradation due to their proximity to human settlements.

Tidal flats also provide a home to many of the cultivated species in Massachusetts. These are shallow, sloping areas composed of materials ranging from very fine silt and clay to coarse sands. Microscopic algae provide nourishment for tidal flat life, including quahogs, soft-shelled clams, and polychaete worms. It is the combination of salinity, substrate quality, and the character of water movement over the flats that determines the species composition of the plant and animal communities. (Carlozzi, et al. 1975). Contaminants (i.e. TBT anti-fouling bottom paints used on boats) carried to the flats can be taken up by the microscopic algae and worms living in the flat, accumulate in the substrate, accelerate algal growth, lower the dissolved oxygen available, change total salinity, and in turn, impact the shellfish populations by directly killing them or their food sources, or by contaminating them.

## PATHOGEN CONTAMINATION

Measurement of fecal coliform is used as an indicator of the possible presence of disease-causing bacteria and viruses. For example, gastroenteritis, hepatitis, and polio are associated with human waste-borne viruses. Shellfishing is prohibited when concentrations reach 14 fecal coliforms per 100 milliliters. Thousands of acres of productive shellfish beds, representing millions of dollars, have been closed to harvesting in recent years because of potential pathogen contamination. Between 1970 and 1990, closed acreage increased by nearly 300% in Massachusetts and Cape Cod Bays. On Cape Cod, over 550 acres are currently closed, a 90% increase from 1980. Closures on the North and South Shores have also been on the rise.

Currently, there are over 7400 acres closed to harvesting on the South Shore, and 56,000 on the North Shore. (Buzzards Bay Project, 1990).

Statewide, out of an approximate 1,800,000 acres of waters under state jurisdiction, 67% (1,199,537) are classified as approved (for direct consumption), 5% (88,887) are classified as prohibited (no harvest of any kind), 28% (498,705) are closed because they are unclassified (lack of sanitary survey) and less than 1% (454 or 1416) are classified as Restricted (harvest with depuration). Unclassified areas are not polluted, but rather areas which have not been surveyed mainly due to lack of shellfish habitat. (Division of Marine Fisheries, 1994)

Shellfish that are not directly killed by the discharge of toxics may take them up, either through exposure to contaminated substrates or through feeding. Many shellfish species have the capacity to bioaccumulate toxics to levels that may kill or damage an organism higher up on the food chain.

For a complete description of public health concerns and shellfish contamination, see Chapter Seventeen, Seafood Safety.

## **WATER QUALITY STANDARDS**

The Federal Water Pollution Control Act, 33 U.S.C. Section 1251 et seq. and the Massachusetts Clean Waters Act, Massachusetts General Law Chapter 21 Sections 26 - 53, require the development and update of water quality standards to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. Massachusetts defines "water quality standards" as the criteria necessary to sustain particular uses of various water bodies, as well as to upgrade the water for prospective, designated uses. Water quality standards are developed and evaluated by the Massachusetts Department of Environmental Protection, Division of Water Pollution Control.

314 CMR 4.00: Surface Water Quality Standards, classifies all of the waters of Massachusetts, inland and coastal, into categories based upon the present condition of the water, prescribes minimal water quality criteria to maintain present water quality, and prescribes "antidegradation" requirements to upgrade water quality.

### **Categories**

The regulations divide surface water into Classes in order to maintain or upgrade the uses available when classified; i.e. drinking water, recreation, etc. For coastal and marine waters, the classifications are as follows (314 CMR 4.03):

Class SA - waters designated for the uses of protection and propagation of fish, other aquatic life and wildlife; for primary and secondary contact recreation; and for shellfish harvesting without depuration in approved areas.

Class SB - waters designated for the uses of protection and propagation of fish, other aquatic life and wildlife; for primary and secondary contact recreation; and for shellfish harvesting with depuration (Restricted Shellfish Areas).

Class SC - waters designated for the protection and propagation of fish, other aquatic life and wildlife, and secondary contact recreation.

## Parameters and Criteria for Evaluation

The criteria applied to evaluate and classify coastal and marine surface water are (314 CMR 4.03): overall aesthetics, presence and amounts of radioactive substances, presence and amounts of tainting substances, color, turbidity, amount of total suspended solids, presence and amounts of oil and grease, presence and amounts of nutrients, presence and amounts of other constituents, amount of dissolved oxygen, temperature increase, pH level, amount of total coliform bacteria, and amount of fecal coliform bacteria.

## Antidegradation

The regulations require that the present quality of surface water be maintained and protected from degradation. To accomplish this, the following requirements are included at 314 CMR 4.04:

(1) Protection of Existing Uses. In all cases, from and after the date these regulations become effective, the quality of the surface waters shall be maintained and protected to sustain existing beneficial uses.

(2) Protection of High Quality Waters. From and after the date these regulations become effective, waters designated by the Division in 314 CMR 4.05(5) whose quality is or becomes consistently higher than that quality necessary to sustain the national goal uses shall be maintained at that higher level of quality unless limited degradation is authorized by the Division.

(3) Protection of Low Flow Waters. Certain waters will be designated...for protection under 314 CMR 4.04 due to their inability to accept pollutant discharges. New or increased discharges of pollutants to waters so designated are prohibited unless a variance is granted by the Division...

(4) National Resource Waters. Waters which constitute an outstanding national resource...shall be preserved. These waters shall be designated for preservation by the Division.... Waters so designated may not be degraded and are not subject to a variance procedure. Existing discharges shall be eliminated unless the discharger is able to demonstrate that:

(a) Alternative means of disposal are not reasonably available or feasible; and

(b) The discharge will not affect the quality of the water as a national resource.

(5) Control of Eutrophication. The discharge of nutrients, primarily phosphorus or nitrogen, to surface waters will be limited or prohibited... as necessary to prevent excessive eutrophication of such waters.... . Existing discharges containing nutrients which encourage eutrophication or growth of weeds or algae shall be treated. Activities which may result in non-point source discharges of nutrients shall be conducted in accordance with the best management practices reasonably determined by the Division to be necessary to preclude or minimize such discharges of nutrients.

## **16. LEGAL/REGULATORY**

The utilization of public and private resources in the coastal zone lies at the bottom of a complex, often confusing mix of federal, state, and local requirements and rules governing aquaculture.

There are several federal, state, and local determinations, permits and/or licenses required to engage in coastal aquaculture. The number of agencies and governments involved, and the corollary amount of paperwork required, will vary with the type of aquacultural activity proposed. The system is a three-tiered one (local, state and federal), reflecting the policy positions, general conditions, and specific local requirements for engaging in aquaculture.

For example, local cities and towns are concerned about managing conflicting land and water uses, such as recreational beach use, areas set aside for recreational boating, coastal development, and public access. Local conservation commissions are concerned about natural resource protection, as they must implement the state Wetlands Protection Act. In addition, local economic conditions are significant factors in the determinations of coastal cities and towns when considering the licensing of particular areas for shellfish grants. In Massachusetts, local authorities with a hand in coastal aquaculture include boards of selectmen/ mayors, conservation commissions, shellfish officers, and harbormasters.

The Commonwealth of Massachusetts has additional concerns. Protection, maintenance, and enhancement of the state coastal zone, coastal wetlands, endangered species, ocean sanctuaries and areas of critical environmental concern (ACEC) are all state priorities. Of similar concern is the protection of local species and water quality. The licenses and permits applicable to aquaculture in Massachusetts, including surface water discharge permits, water quality certifications, waterways licenses, state aquaculture permits, reflect the state agenda. In Massachusetts, the agencies relevant to coastal aquaculture are the Executive Office of Environmental Affairs/Coastal Zone Management, the Department of Fisheries, Wildlife, and Environmental Law Enforcement/Division of Marine Fisheries, the Department of Environmental Protection, Department of Environmental Management, Division of Wetlands and Waterways, and the Department of Food and Agriculture.

The federal government, through the U.S. Army Corps of Engineers, the Coast Guard, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service and the U.S. Environmental Protection Agency, implements a broad national agenda: the assurance that United States navigational routes are maintained, that marine mammals and endangered species (and their habitats) are protected, that waters of the United States are not degraded. The permit and review programs that have application to coastal aquaculture, including the National Environmental Policy Act, the Rivers and Harbors Act of 1899, the Clean Water Act, and the

National Pollution Discharge Elimination System permits, protect and advance these policies.

The following overview provides a broad look at the three tiers governing coastal aquaculture.

## **16.1. Local Permits**

### **Local Issuance of Section 57 Shellfish Licenses**

Shellfish licenses are issued by coastal cities and towns under the authority of Massachusetts General Law Chapter 130, Section 57, for a period of ten (10) years, with a right to request renewal. A shellfish license authorizes a named individual a) to plant and grow shellfish, whether bottom or water column culture; b) to place shellfish in or under protective devices affixed directly to the tidal flats or land under coastal waters, such as boxes, trays, pens, bags, or nets; c) to harvest and take legal shellfish; d) to plant cultch for the purpose of catching shellfish seeds; and e) to grow shellfish by means of racks, rafts, or floats.

Section 57 was amended on July, 10 1994 to eliminate the distinction between bottom culture and water column licenses (previously issued under Section 68A); all licenses for shellfish aquaculture will now be issued under the procedures found in Section 57.

In order to obtain a license, an application under Section 57 must be submitted to the municipality. The exact form of a licensing application and the amount of fees payable vary to some extent among municipalities. The Massachusetts Division of Marine Fisheries (DMF) must certify that issuance of the license will have no adverse effect on the shellfish or other natural resources of the town. This is accomplished by conducting an inventory of existing resources by a DMF biologist at the site. The survey will consist of a description of the total size of the proposed area to be licensed, the sediment composition of the proposed area, the number of transects used for sampling of naturally-occurring shellfish, the method used to conduct the sampling, and the number, species, and size of naturally-occurring shellfish found in the sampling area. DMF must also examine the public record to consider other issues raised, which may include other fisheries, endangered species, eelgrass, etc. If DMF concludes that "no adverse effect" will occur, the area will be certified by DMF.

Issuance of the license does not convey any property rights to the aquaculturist. While Massachusetts honors the public trust rights of fishing, fowling, and navigation in the intertidal zone, it is one of the few states in which private property extends to the low water mark. The Massachusetts Supreme Judicial Court has recently ruled, in Pazolt v. Director of the Division of Marine Fisheries, et al.,

(April 20, 1994) that aquaculture (generally placing structures, such as nursery trays or boxes) is not part of the public trust right of fishing and, therefore, aquaculturists must obtain permission from the private upland property owner in order to practice aquaculture in the intertidal zone.

### **Local Administration - Massachusetts Wetlands Protection Act**

Massachusetts General Law Chapter 131, Section 40, the Wetlands Protection Act (WPA), requires anyone who intends to "remove, fill, dredge, or alter" any coastal resource area, including wetlands, beaches, flats, dunes, land under the ocean, and land subject to tidal action or coastal storm flowage, to file an application called a Notice of Intent with the local conservation commission and receive a permit, called an Order of Conditions, before proceeding.

While some projects for the "normal maintenance or improvement of land in ... aquaculture use" may be exempt from WPA restrictions, the local conservation commission must make this determination. Therefore, all aquacultural activities with a potential impact on resources protected by the WPA must file a Notice of Intent with the conservation commission.

Since conservation commission jurisdiction extends to the limits of offshore municipal jurisdiction (3 miles), any shellfish or finfish operation within that area which impacts land under the ocean is subject to conservation commission review. The placement of nursery trays and boxes for shellfish cultivation typically qualifies as a regulated activity under the WPA. In addition, access (particularly vehicular access) to and from the aquaculture operation may also require the filing of a Notice of Intent if the activity will impact or occur within 100 feet of a wetland resource areas (the buffer zone), such as dunes, banks or beaches.

An applicant who is unsure of the conservation commission's jurisdiction may file a "Request for Determination of Applicability" with the commission for a relatively quick ruling as to whether a full Notice of Intent will be required.

The wetland regulations (310 CMR 10.00) provide all necessary forms. The applicant may also obtain forms from the local conservation commission. Upon submission of a completed Notice of Intent, including a description of the proposed work, resource areas, plans, and payment of a filing fee, the conservation commission will conduct a hearing on the Notice of Intent and either issue the applicant an Order of Conditions authorizing the aquacultural activity and setting forth specific terms and conditions under which the activity (i.e. placement of clean sand) shall be conducted; or deny the application if it cannot be conditioned to protect the interests of the wetlands act.

Appeals, called "Requests for Superseding Orders of Conditions," may be taken to the regional office of the Department of Environmental Protection (DEP).

A number of communities also have their own wetlands protection bylaws that may require additional permits for aquaculture operations in wetland zoning districts. If the project is sited in a local wetland district, a separate application must be filed with the town zoning enforcement officer (usually the building inspector or planning board) according to the procedures of the local zoning ordinance.

## **16.2. State Permits**

### **Marine Fisheries**

General Law Chapter 130 provides the primary authority for regulation of activities concerning or affecting aquaculture in Massachusetts. The statute is broadly drawn and includes provisions for state agency authority and oversight of coastal and marine fishing, licensing and permitting, coastal pollution, riparian rights, reporting requirements, specific coastal and marine species, commercial and business activities, wetlands protection, and shellfish activities. The Chapter also vests the authority to promulgate rules and regulations for its implementation in the Division of Marine Fisheries (DMF) within the Department of Fisheries, Wildlife, and Environmental Law Enforcement.

Section 57 of Chapter 130, governing the licensing of shellfish areas for aquaculture, is discussed in the paragraphs above on local permits. Additional sections of Chapter 130 that may be of interest to the coastal aquaculturist include Section 17B aquacultural enterprise permits. Application may be made to the DMF for a permit to possess, take, or harvest any fish out of season and outside of the size limitations if it is (1) for use in aquaculture, and (2) kept separate from natural stock of the same species. This permit would not apply where shellfish seed is re-planted on flats and not held separately from whatever limited natural stock might exist, but is applicable to the sale of seed shellfish.

In addition, DMF issues Section 69 Permits (under the authority of 322 CMR 7.01, 3.03) for possessing or importing seed quahogs, clams, oysters, and scallops.

### **The Massachusetts Waterways Licensing Statute**

Massachusetts General Law Chapter 91 protects and manages Massachusetts tidelands and waterways promoting a balance among the many competing public and private uses of the coast. Specific circumstances, provisions, obligations, and requirements are articulated in the regulations promulgated under c. 91 at 310 CMR 9.00 et seq.: Administration of Waterways Licenses.

Chapter 91 also protects the public's property rights in coastal (as well as in many inland) waterways. Below the low water mark in tidal areas, the state owns all land and water outright, while in the intertidal zone, the public has an easement to enter

for the purposes of fishing, fowling, navigation, and free passage. The Commonwealth also owns the state's Great Ponds, and protects the public right of navigation on most inland rivers and streams.

In addition to direct ownership rights, the Commonwealth regulates and licenses water-dependent uses such as maritime commerce and transportation, fishing (including shellfishing), recreational boating and swimming, and other activities which enable the public to use and enjoy the waterfront.

Certain aquaculture activities, including bottom, off-bottom culture and fish farms could be required to submit applications for waterways permits or licenses.

Permits under Chapter 91 must be obtained from the local harbormaster for the placement on a temporary basis of moorings, floats or rafts held by bottom-anchor. If the aquaculture activity fits this description, no additional permit is needed from DEP under Chapter 91.

A Chapter 91 license is required for fill or structures in tidelands; the definition of "structure" includes any weir, boom, breakwater, line, or wire, plus any pile-held or permanently fixed float or aquaculture gear. Structure does not include any mooring, float or raft which has received an annual permit from the harbormaster, nor does it include any weir, pound net, or fish trap that has been approved by DMF.

If a license is required, the applicant must provide detailed information on the project, including plans prepared by a registered professional engineer or a land surveyor; must pay occupation and tidewater displacement fees; and must comply with all substantive standards for environmental protection, water-related public rights (navigation, fishing, fowling, free passage), protection of existing water dependent uses, and engineering and construction standards. If the project is located in an Ocean Sanctuary, the applicant must demonstrate during the Chapter 91 process, that the project meets the "public necessity and convenience" requirement of the Ocean Sanctuary Act. Once approved, the applicant is given a long-term, recordable license for exclusive use of the area.

## The Massachusetts Environmental Policy Act

Prior to the issuance of many state permits, the requirements of the Massachusetts Environmental Policy Act, General Law Chapter 30, Sections 61-62H, (MEPA), must be satisfied. MEPA is administered by the Executive Office of Environmental Affairs, MEPA Unit, with regulations at 301 CMR 11.00. MEPA requires the state to review, for environmental impacts many direct state activities, plus many projects that use state funding, or projects that require issuance of a state permit or license. The need for review is typically triggered by the size of the project and type of state activity (permitting, funding, etc.) involved; specific thresholds are listed in the regulations and should be consulted for each proposed project. A request for a

determination can be made to MEPA to conclude whether or not the specified project surpasses MEPA thresholds and requires further review. Aquaculture projects are likely not to require MEPA review unless the site is located in an ACEC and the project action is appealed to DEP. Other examples of MEPA thresholds that may be of concern to the coastal aquaculturist include:

- \* any project resulting in the dredging, filling, alteration or removal of one or more acres of bordering vegetated wetland or salt marsh, or ten or more acres of any other resource area protected by the wetlands regulations;
- \* any project needing a Superseding Order of Conditions from the DEP that includes: any fill or structure within a regulatory floodway of rivers or streams delineated under the National Flood Insurance Program; alteration of a primary dune; construction in a velocity zone on a barrier beach; new, expanded, or reconstructed armoring of a coastal bank; the alteration of 1,000 square feet or more of salt marsh, or 5,000 square feet or more of bordering vegetated wetland, or 500 feet or more of bank, or 1/2 acre or more of any other area subject to the wetlands protection act;
- \* licensing under Chapter 91 of any solid fill structure of 1,000 square feet or more base area, or pile-supported structures of 2,000 square feet or more; and
- \* any project located in an area of critical environmental concern that needs a state permit or license listed in the thresholds (301 CMR 11.26).

If a listed threshold is met, an Environmental Notification Form (ENF) must be filed, describing the proposed project, the potential for environmental impacts, and the alternatives available that would avoid or minimize damage to the environment. The Executive Office of Environmental Affairs, through its MEPA Unit, will publish and review the ENF in the Environmental Monitor, hold a meeting with state and local agencies, and the public, to identify environmental issues, review any written comments received about the ENF and make a determination about whether further environmental information in the form of an Environmental Impact Report (EIR) is required.

If no EIR is required, there is no further obligation under MEPA and the appropriate state permits may be issued. If an EIR is determined to be necessary, the applicant will have to file the EIR, describing in detail the proposed project, alternatives to the proposed project, a description of the existing environment, an analysis of environmental impacts and the mitigation measure(s) that may be employed to avoid, or if not possible, to minimize negative impacts. The EIR, as was the ENF, will be published and reviewed by the public, state, local agencies and MEPA. Once the Final EIR has been reviewed and certified as complete, the permitting agencies are free to act on the project; each permitting decision must contain a finding (called a Section 61 finding) that all feasible measures have been taken to avoid or minimize damage to the environment.

## **Surface Water Quality Discharge Program**

The Massachusetts Clean Water Act, General Law Chapter 21 Sections 26 - 53, establishes a management structure for the protection and maintenance of the quality of the waters of the Commonwealth.

Section 43 of the Act establishes a program, implemented through the regulations promulgated at 314 CMR 3.00: Surface Water Discharge Permit Program, regulating the discharge of pollutants into the waters of the Commonwealth. These permits are issued jointly with EPA's National Pollution Discharge Elimination System (NPDES) permits described below.

Any activity resulting in a discharge into Commonwealth waters may be subject to the requirements of the surface water permit program and an anti-degradation demonstration. As an example, an aquaculturist establishing a shellfish hatchery might utilize one influent line and one effluent line. Whatever is discharged from the effluent line, such as circulating water, water used to carry nutrients and wastes from seed trays, etc., would be subject to the effluent limits established under the NPDES permit.

## **Other Permits or Requirements**

The above permits and licenses are generally required of all aquaculture projects located in state waters. Other state agencies may review many aquaculture proposals via MEPA and ACOE interagency reviews. For example, the Department of Environmental Management reviews MEPA, Chapter 91 and ACOE applications with an eye for projects located in Massachusetts Ocean Sanctuaries (generally speaking, all state waters (below mean low water) with the exception of the area between Lynn and Marshfield. The Ocean Sanctuaries Act derives its authority under Massachusetts General Laws, Chapter 132 A, Sections 13-16 and 18 and regulations 302 CMR 5.00. This Act is designed to protect coastal waters by prohibiting activities that could be environmentally or aesthetically damaging. To date, DEM has not taken jurisdiction over any aquaculture project.

## **STATE CERTIFICATION OF FEDERAL PERMITS OR LICENSES**

### **Water Quality Certification**

Section 401 of the federal Clean Water Act (33 U.S.C. 1344), requires states to certify that federal actions, such as the issuance of federal permits or licenses that allow discharges to state waters, comply with state water quality standards. Typically, DEP issues a water quality certification for 1) point-source discharges allowed by federal

NPDES permits; and 2) the discharge of dredged or fill materials allowed under federal Section 404 or Section 10 permits. These federal programs are discussed more fully below. DEP is in the process of promulgating new regulations for the 401 program that are compatible with the Army Corps of Engineers Programmatic General Permit (also discussed below). Aquaculture projects that meet certain criteria identified in the new regulations will not need individual water quality certification.

## **Massachusetts Coastal Zone Management Federal Consistency Certification**

Similarly, the Massachusetts Coastal Zone Management Office must certify federal actions, including the issuance of licenses and permits, to ensure they are consistent with the state Coastal Zone Management Program. The Massachusetts Coastal Zone Management Program contains 27 broad policies that can be found in 301 CMR 20.00. These policies provide the state with an important tool, as they are often the only state standards and review applicable to aquaculture operations in federal waters (i.e. any project beyond the 3 mile limit or the bay closure lines). Federal permits relating to aquaculture which could trigger the Consistency requirement include ACOE Section 10/404 permits, New England Fisheries Management Council actions and NPDES permits.

### **16.3. Federal Permits**

#### **Permits For Dredged or Fill Materials and Permits For Affecting or Obstructing Navigation**

Section 404 of the federal Clean Water Act (33 U.S.C. 1344), requires a permit for the discharge of dredged or fill material into the navigable waters at specified disposal sites.

Section 10 of the Rivers and Harbors Act of 1899 requires a permit for any activity affecting or obstructing navigable waters.

On August 24, 1993, the Army Corps of Engineers issued a Programmatic General Permit (PGP) to administer both of these programs in Massachusetts. The PGP will be in effect for five years before being reevaluated.

The PGP provides a simplified review process for minimal-impact projects that fall within the Corps' permitting jurisdiction. Most shellfish aquaculture activities will fall under "Category II - Screened PGP" activities. Category II Projects will be screened by the Corps of Engineers and the federal resource agencies (Environmental Protection Agency, U.S. Fish and Wildlife Service, and National Marine Fisheries Service) for a case-by-case determination of the applicability under this general permit.

Substantively, the Corps will look to its previously issued "Letter of Permission" for guidance in determining whether to issue the PGP or to require an individual permit for shellfish operations. The Letter of Permission (dated August 21, 1991) established information requirements (i.e. the proposed work, the location of the proposed license, a description of fill activities (importation of clean sand for nursery trays and subsequent discharge of naturally-occurring dredged sand to the surrounding substrate) and a description of the natural resources and bottom sediments in the grant) and a series of universal conditions that must be satisfied by an applicant.

In order for an aquaculture applicant to receive a PGP, all other state and local permitting conditions must be satisfied; i.e. Order of Conditions, a Section 57 license, Chapter 91 permit, etc. For these projects, applicants should submit a permit application to the Corps; applicants filing a Notice of Intent (NOI) with their local Conservation Commission should submit a copy of their NOI materials to the Corps at the same time they apply to their Commission, along with additional information concerning the work within Corps jurisdiction.

Screened projects may not proceed until written notification is received by the ACOE and the applicable certifications or waivers concerning water quality and coastal zone management are received by the applicant.

### **National Pollution Discharge Elimination System Permit**

Section 402 of the federal Clean Water Act, (33 U.S.C. 1342) requires a permit for any activity resulting in the discharge of any pollutant, or combination of pollutants into navigable waters. These permits, called NPDES permits, are issued jointly with the state. As an example, an aquaculturist establishing a shellfish hatchery might utilize one influent line and one effluent line. Whatever is discharged from the effluent line, such as circulating water, water used to carry nutrients and wastes from seed trays, etc., would be subject to the effluent limits established under the NPDES permit.

### **National Environmental Policy Act**

In some cases, particularly for large projects or those expected to have significant environmental impacts, the requirements of the National Environmental Policy Act, 42 U.S.C. 4321, (NEPA) may need to be satisfied. The burden is on the federal agency proposing the action (such as permit or license issuance) to identify environmental impacts, to avoid and minimize those impacts, and to explore alternatives that may be less environmentally damaging. An environmental assessment, or if the project is significant and controversial, an Environmental Impact Statement (EIS) is prepared by the permitting agency.

## **The New England Fisheries Management Council (NEFMC)**

Aquaculture projects located in federal waters could be required to obtain an authorization from the NEFMC to site facilities. No precedent exists for this type of authorization off of Massachusetts state waters although a proposal for sea scallop aquaculture is now before the Council.

## **17. SEAFOOD SAFETY/PUBLIC HEALTH**

Public health issues surrounding the quality and safety of wild and cultured shellfish have been a source of general concern throughout the industry. Much negative information and publicity, especially concerning water pollution and contaminated shellfish areas, has increased public awareness about the potential dangers of eating shellfish, particularly shellfish that has not been adequately stored or cooked. As discussed earlier, bivalve mollusks are filter feeders, straining particulate food from surrounding water (and absorbing elements through substrate). The particulates are caught on the gill surfaces and are transported to the digestive tract. Because of their ability to filter significant quantities of water in relation to their size and the ability to retain microorganisms in the size range of bacteria and viruses, shellfish may ingest and concentrate undesirable pathogens, as well as toxic pollutants and heavy metals, during the filtering process. Some bivalves are so efficient that they may concentrate and/or exceed 1000 times the ambient contaminant concentration. (Chang, 1991) Many of these pathogens may have little effect upon the shellfish, but could be devastating to a consumer.

### **HISTORY**

It has been known for years that shellfish harvested from polluted areas can cause illness, particularly if eaten undercooked or raw. Toxins such as pesticides, hydrocarbons, heavy metals, radioisotopes, and marine biotoxins all may be successfully concentrated by shellfish. The major public health concern historically however, has been with the pathogenic bacteria like *Salmonellae* and viruses capable of causing hepatitis-a, gastroenteritis, and polio.

### **PATHOGENS**

Fecal coliform bacteria, which lives in the intestines of warm-blooded animals, has traditionally been used as an indicator of sewage pollution. Evidence of fecal contamination in turn, indicates at least the potential presence of pathogens. Therefore, classification of shellfishing is based upon the concentration of fecal coliform bacteria in overlying waters.

According to the National Shellfish Sanitation Program, shellfish growing areas may be approved if, on the basis of fifteen sets of samples taken under adverse pollution conditions as described by the sanitary survey, they meet the following criteria:

1) the median number of total coliform bacteria in the water does not exceed 70 per 100 ml of water sampled, and not more than 10 percent of the samples have a count in excess of 230 per 100 ml, or

2) the median number of fecal coliform bacteria - bacteria associated with the feces of warm-blooded animals - do not exceed 14 per 100 ml, and not more than 10 percent of the samples have a count in excess of 43 per 100 ml.

The methodology is not by any means foolproof. There are problems associated with the use of total coliforms or fecal coliforms being relied upon as the indicators of the level of sewage contamination. The actual degree of risk of infection posed by human pathogens is also uncertain. Coliform counts may mislead, as follows:

- 1) sewage treatment plants generally use chlorine to sterilize effluent. Although chlorine does reduce bacterial contamination, it may have little effect upon virus populations. In that circumstance, the lack of coliform bacteria in a sample may not indicate the absence of viruses;
- 2) *Escherichia coli* (primary fecal coliform component) has a lower survival rate in seawater than other organisms, including viruses. Therefore, concentrations of *E. coli* may lead to an underestimate about the risk of other pathogens;
- 3) *E. coli* in seawater may assume other, non-detectable forms, resulting in false (low) numbers of indicators reported;
- 4) there are many pathogens that flourish in water that are not associated with fecal contamination and may not be tested for or detected.

## NATURALLY OCCURRING PATHOGENS

### Vibrio

Concern has been expressed that fish farms could lead to increased numbers of bacteria that cause disease in humans. Sedimentation and organic-loading of finfish waste products could result in uptake, accumulation, and transmission of human pathogens through vectoring shellfish. These concerns have been directed specifically towards the bacteria genus *Vibrio*, since the genus is common in marine systems and includes fish, shellfish, and human pathogens.

The genus *Vibrio* contains approximately 20 species. Five of the species, *V. cholerae*, *V. parahaemolyticus*, *V. vulnificus*, *V. alginolyticus*, and *V. mimicus*, are known human pathogens, and the pathogenicity of two other species, *V. fluvialis* and *V. metschnikovii*, is unclear. *V. anguillarum* and *V. ordalii* infect salmonids, but there is no evidence to suggest that these species are human pathogens.

In humans, *Vibrio* infections most frequently cause gastroenteritis. The clinical symptoms include diarrhea, abdominal cramps, nausea, and vomiting. The disease is normally mild to moderate in severity, and symptoms typically persist for a few days. Exposure to *Vibrio* suspended in seawater can also cause earaches and wound infections. Primary sepsis, caused by *V. vulnificus*, is the most serious of the *Vibrio* diseases. Infection occurs most frequently in persons with chronic liver disease. The *V. vulnificus* infection causes fever, chills, and nausea, and results in death in about one half of the cases. (NSSP Operations Manual, 1992 Revision).

*Vibrio* bacteria, including pathogenic and nonpathogenic species, are common members of the microbial community in estuarine environments throughout the world. They play significant roles in nutrient recycling and are probably the principle bacterial group responsible for the mineralization of refractory organic materials like chitin. (Cabrizzi, 1990)

The fact that potentially pathogenic *Vibrio* species are widespread but the incidence of infection is relatively low is probably attributable to three factors. First, not all strains of a pathogenic species are virulent. Second, many pathogenic *Vibrios* require water temperatures above 15 degrees C. Finally, the incidence of *Vibrio* infection is minimized by cooking seafood and killing the bacteria. *Vibrio* infections are contracted by eating raw seafood, inadequately cooked seafood, or cooked seafood which is subsequently left in contact with raw seafood.

Concerns that aquaculture could lead to increased incidence of *Vibrio* infections are based on two facts. First, *Vibrio* suspensions have been found in greatest abundance in areas characterized by high inputs of organic matter and/or particulate material. Such conditions may exist in the vicinity of fish farms. Second, filter-feeding mollusks concentrate bacteria through normal feeding activities. Thus, there is a potential route for human infection if a fish farm promotes increased *Vibrio* suspensions in the vicinity of harvestable shellfish. Shellfish in these circumstances could not be harvested for direct human consumption.

There is no current evidence to conclude that fish farms contribute to the proliferation of bacteria species and strains pathogenic to humans.

## NATURALLY OCCURRING BIOTOXINS

Shellfish contaminants can take the form of naturally- occurring toxins, such as certain phytoplankton that tend to bioaccumulate in warm weather, microbiological contamination where the shellfish acts as a vector for disease transport to humans, and bioaccumulation of toxics, such as heavy metals and polycyclic aromatic hydrocarbons (PAHs).

## **Paralytic Shellfish Poisoning (PSP)**

Quahogs, soft shell clams, oysters, and mussels may act as transmission vectors for paralytic shellfish poison (PSP) to humans. PSP results from the ingestion of saxitoxin, an extremely potent toxin produced by the dinoflagellate *Alexandrium tamarensis*.

Anyone who has lived in a coastal area has experienced the phenomenon known as "red tide." Under certain conditions; high water temperatures, calm seas, low salinity, and high-nutrient content, certain naturally occurring plankton will experience population explosions, resulting in tremendous quantities of planktonic organisms reproducing at a massive rate in a very short period of time. It should be noted that all such population explosions may not be toxic and may not discolor sea water; this is dependent upon the kind of organism experiencing the rapid growth, or "bloom." Toxic red tides on the east coast are primarily caused by the dinoflagellate *Alexandrium tamarensis*. Shellfish ingest this organism and accumulate toxins in their bodies. This accumulation has no ill effect on the health of the shellfish directly, but if consumed by humans, can result in PSP. This toxin is particularly dangerous because it will not be eliminated by cooking and does not change the appearance of a contaminated mollusk. (Northeastern Marine Advisory Council, 1987)

PSP acts quickly. The onset of symptoms will usually occur within thirty minutes of ingestion, causing tingling in the lips, face, neck, and extremities. This is followed by headache, dizziness, nausea, and occasionally vertigo. In cases of severe poisoning, muscular paralysis and respiratory failure may occur, which can be fatal.

All shellfish-producing states have monitoring programs for PSP. In Massachusetts, the Department of Fisheries, Wildlife and Environmental Law Enforcement maintains a testing and monitoring program. DMF, with laboratory assistance from DEP, conducts a monitoring program in shellfish growing areas while DPH monitors shellfish in the marketplace. In the event that tolerance levels for saxitoxin are exceeded in tested shellfish or shellfish growing areas, the shellfish are seized and destroyed, the growing areas are posted and closed, and local cities and towns are notified.

## **THE NATIONAL SHELLFISH SANITATION PROGRAM**

In 1925, the National Shellfish Sanitation Program ("NSSP") was created, the result of a cooperative effort between the shellfish industry, the U.S. Public Health Service (now the Food and Drug Administration) and cooperating states. The goal of the program was to design uniform standards, applied to all participating states, for the maintenance and oversight of shellfish sanitation in growing areas, in harvesting, and in processing. Uniformity was critical; all participating states embraced the same standards to assure consumers of a uniformly healthful product and to eliminate any competitive advantage a state could obtain by not adhering to the

same sanitary requirements. Participation in the program is not mandated by law, but a state who does not participate cannot engage in interstate shipment or distribution of shellfish.

The basic obligations of all participating states are as follows:

1. All states shipping shellfish have to adopt adequate laws and regulations for the sanitary control of the industry; complete and maintain sanitary surveys of growing areas, delineate and patrol restricted areas, inspect shellfish plants and laboratories, and implement measures to insure that all shellfish reaching consumers have been grown, harvested, and processed in a sanitary manner. The state agrees to issue numbered certificates to shellfish dealers complying with the sanitary standards and copies of the certificates are then forwarded to the Food and Drug Administration ("FDA").
2. The FDA makes an annual inspection of each state shellfish control program, including the inspection of a representative number of shellfish processing plants. Based upon this information, the FDA determines the degree of conformity the State program has with the NSSP. Based upon this information, a monthly list is generated of the valid interstate shellfish shipping certificates.
3. The private sector has adopted and augmented this management structure and created its own, additional sanitary standards, including tracking mechanisms to record the shipping and final disposition of the shellfish.

In 1982, the NSSP created an organizational structure utilizing the expertise of shellfish control officers, the FDA, cooperating state representatives, and industry officials; the Interstate Shellfish Sanitation Conference ("ISSC"). The ISSC adopted the NSSP Operations Manual in 1983, as well as a process to revise and amend the provisions of the manual.

In 1983, the ISSC adopted the NSSP Operations Manual as the formal statement of standards for shellfish sanitation. In 1984, the FDA entered into a Memorandum of Understanding with the ISSC as the basis for a continuing, cooperative relationship between the states, private industry, and the federal government.

In 1985, the NSSP Manual was formally codified by the FDA and published as regulations in the Federal Register (50 FR 7797, February 26, 1985).

The NSSP Manual is divided into two parts, reflecting the awareness that the growing and processing of shellfish are two distinct processes. Part I: Sanitation of Shellfish Growing Areas is a guide for preparing state shellfish laws and regulations pertaining to the sanitary control of shellfish growing area classification, laboratory procedures, relaying, patrol operations, and marine biotoxins. Part II: Sanitation of the Harvesting, Processing and Distribution of Shellfish is a guide for operating,

inspecting, and certifying shellfish shippers, processors and depuration facilities and for controlling interstate shipments of shellfish.

The Manual also provides specific protocols for Reviewing Classification of Areas Implicated in Shellfish Related Illnesses, Reviewing Classification of Areas Implicated by Pathogens in Shellfish Meat Samples, and Approved National Shellfish Sanitation Program Laboratory Tests.

Part I, Section G of the Manual addresses aquaculture. The section is divided into three categories:

**Administrative Procedures** - state laws and regulations designed to provide an adequate legal basis for sanitary control of aquaculture;

**Open Water Aquaculture** - the cultivation of molluscan shellfish in natural shellfish growing areas; and

**Shellfish Polyculture and Land-Based Monoculture** - the establishment of procedures for issuing permits for shellfish aquaculture, approving culturing sites and boundaries, keeping records, imposing quarantine measures, and developing other control measures as may be necessary, recognizing that the potential for pathogens in land-based monoculture facilities is greater than natural areas and prudent control measures must be used. Further, the use of indicator microorganisms may not be related to their use in natural settings. There are also increased public health concerns related to polyculture, as the potential is greater for contamination of molluscan shellfish with pathogens and animal drugs than in monoculture.

Massachusetts is a participant in the ISSC and subscribes to the standards promulgated by the NSSP. As part of its Coastal Zone Management Program, Massachusetts is developing a protocol for the siting of wastewater treatment plants, using as a condition to be evaluated in the siting process the existence and classification of shellfish growing areas.

The process employed by the NSSP to classify shellfish growing areas assumes the existence of treatment plants in the proximity of shellfish growing areas and assumes the potential for shellfish contamination. This assumption has been a necessary operating premise, as waste water treatment plants have historically been sited near shellfish beds without giving due consideration to the need for clean water.

In Massachusetts, the protection of shellfish resources is one of the factors to be evaluated in determining water quality standards and the consequent uses allowed in that particular body of water. The state Coastal Zone Management Program Policies require the preservation of shellfish beds and encourage the development

of aquaculture. A siting process that considers preserving the water quality necessary to maintain and enhance existing shellfish resources prior to running the risk of degrading that water quality preserves water quality and forwards achievement of coastal resource management goals.

## 18. ECONOMICS OF AQUACULTURE

### UNITED STATES

Aquaculture is the fastest growing "agricultural" industry in the United States. In 1990, there were over 100 species cultured; eight species accounted for approximately 70% of total culture, with over 3400 aquaculture operations in the United States. This trend is driven by increased demand for fisheries product and reduced yield from traditional fisheries landings (National Research Council, 1982). Given the increased demand, there is a significant potential for job creation in an expanded aquacultural industry.

The estimated U.S. Total Aquaculture Production (including freshwater) has more than doubled from 139,887 metric tons with a total value of over \$260 million in 1983 to an estimated 313,518 metric tons with a total value of over \$724 million in 1992. (NMFS Statistics Division) The aquaculture industry supports an infrastructure of hatcheries, feed mills, processing plants, equipment manufacturers, and suppliers of specialty services and products, as well as enhancing the natural fishery with juvenile finfish and shellfish seed and spat.

U.S. annual per capita consumption of fish and shellfish has increased since estimates were first made in 1909. At that time the per capita estimate was 11 lbs., in the 1950 and 60's it was well below 5 lbs., and in 1993 it was 15 lbs. (U.S. Department of Commerce, 1993). Most remarkable was the sharp rise in consumption from 1970 (about 4 lbs.) to 1990 (about 5 lbs.) The domestic seafood industry has identified a goal of increasing domestic seafood consumption to 20 lbs./per capita by the year 2000 although this appears unlikely.

It is estimated that 10% - 14% of the fishery products currently consumed in the United States are aquiculturally derived. Changing consumer preferences combined with the reduction in the wild fishery appear to be the dominant factor in the growth of aquaculture. (FDA, 1990)

Most of the United States' demand for seafood is met by imports. The value of imported fisheries products more than doubled during the 1980's, to \$9.6 billion in 1989. This resulted in a significant trade deficit - \$4.9 billion for all fisheries products and \$3.1 billion for edible fish and shellfish in 1989. Imported fisheries products contribute more to the United States' trade imbalance than any other food or agricultural commodity. After petroleum products, imported seafood contributes more to the United States trade deficit than any other natural resources product. (Joint Subcommittee on Aquaculture, 1992)

Despite the trade imbalance, some aquacultured fish products are exported. There has been significant growth in U.S. exports of ornamental fish with exports of \$17

million in 1993 and over \$10 million in the first half of 1994. (US Department of Agriculture, 1994)

## NORTHEAST REGION

The Northeast Region, as covered by the Northeastern Regional Aquaculture Center (NRAC), includes the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and West Virginia. NRAC estimates the total 1992 farm gate value of aquacultured products in the northeastern United States to be \$146,409,000.

Cultured shellfish comprises approximately 53 percent of the 1992 regional farm gate value, with oyster production being the single largest segment of the regional industry accounting for roughly 42 percent of the total. Net pen culture of Atlantic salmon and steelhead trout was the second largest category contributing 29 percent to the regional value. (Northeastern Regional Aquaculture Center, 1993)

The state of Connecticut is the largest aquaculture producing state in the region with estimated farm gate sales of \$61.7 million, primarily from oyster sales. Maine is the second largest aquaculture producing state in the region with farm gate sales of \$42.9 million, largely from pen-reared salmonid. Pennsylvania is the third largest aquaculture producing state, with farm gate sales totaling \$11,926,000, dominated by trout culture. New York is the forth largest aquaculture producer, with \$9,637,000 in sales, primarily from the Long Island oyster farms. (NRAC, 1993)

Massachusetts follows as the fifth largest aquaculture producer with \$8,020,000 in sales. The dominant species in Massachusetts, in order of economic value are: Northern Quahog, oyster, trout, hybrid striped bass, scallops, baitfish/other fish and tilapia. (NRAC, 1993) Trout, striped bass, baitfish/other fish and tilapia are all grown in inland facilities in Massachusetts.

When comparing the aquaculture industries from state to state, it should be kept in mind that the potential for aquaculture to succeed is dependent on several considerations. While some of these considerations are flexible and can be made more accommodating for aquaculture (laws, regulations, policy, business climate, private and public initiatives) others, (tidal range, exposure, biological parameters, flushing rates, temperature, native species) cannot be easily overcome.

Economic success of aquaculture requires maintenance of a high price in the market to offset basic investments and rearing costs per organism and to assure a good profit margin. Price per organism however, is insufficient to insure economic viability. Maintenance of consistently high sales volume is also required.

## MASSACHUSETTS

The reported (landing) value of aquacultured shellfish in Massachusetts is difficult to calculate. The Division of Marine Fisheries and municipalities collects annual landing data from aquaculture producers as a part of their reporting requirements under Section 35 of Massachusetts General Law Chapter 130. Precise reporting to DMF is not required of aquaculturists and thus the information received and summarized by DMF reflects only the producers who self-reported. As has been mentioned previously in this report, aquaculturists have also historically underreported their landings for various reasons. Due to both the chronic under-reporting that exists within the industry and the lack of any sophisticated, consistent calculation of true value, shellfish aquaculture is both undervalued and overlooked in Massachusetts.

If the real values were consistently reported, the significance of this industry to Massachusetts would become apparent. Although the shellfish aquaculture industry in Massachusetts is not large when compared to other industries in the state, it is important to consider that the industry is located in small Cape Cod towns which have few other year-round industries. To the municipalities where shellfish culture is practiced, this industry is increasingly desirable for economic development.

### Total Estimated Values for Cultured Shellfish; 1986 - 1993

The following estimated values are derived from DMF landing data. For the year 1992 estimated values from the Northeast Region Aquaculture Industry Situation and Outlook Report are also provided for the sake of comparison. NRAC compiled its data via individual grower surveys and is likely to be more realistic, but still not precise. The NRAC figure includes production of inland cultured striped bass, trout, baitfish and tilapia. Comparison of the two estimated values of aquacultured products for 1992 reveals the significant problem Massachusetts has with accurate reporting of aquacultural production.

1986 =	\$ 2,114,026
1987 =	\$ 318,584
1988 =	\$ 620,058
1989 =	\$ 1,933,145
1990 =	\$ 906,815
1991 =	\$ 1,884,017
1992 = (DMF)	\$ 863,418
(NRAC)	\$ 4,000,000 (approx. value of quahogs & oysters)
	\$ 8,020,000 (all aquacultured products)
1993 =	\$ 1,753,192

An additional 4.5 market multiplier is utilized by NMFS to conservatively account for the additional value of spin-off jobs, support industries and employment-related benefits.

## FUNDING SOURCES

The common constraint shared by almost all aquaculturists is the lack of dependable funding sources, both for start-up and for operational costs. Most federal funding sources are geared toward traditional agriculture and the programs that include aquaculture generally limit it to finfish and inland endeavors. Most private lending institutions in Massachusetts either do not recognize aquaculture as a commercial venture or recognize the high risk of "crop failure" inherent to aquaculture. This financing vacuum forces most aquaculturists to apply for personal loans to get the venture and operating capital they need.

One of the essential keys to success in any industry is its access to reliable sources of funding. Traditional agriculture has relied upon three sources to provide many of its capital needs: the farm credit system, the Farmers Home Administration, and private lenders. Aquaculturists, particularly shellfish culturists, need the same access and the same opportunities.

## DISTRIBUTION/MARKETING

Shrewd marketing is important to the livelihood of any industry, particularly aquaculture. Concurrently, an effective marketing campaign can expand the distribution of aquaculture products outside of the local area. At present, however, local growers are providing product to a limited market which has forced down the unit price. Through aggressive marketing efforts, the market for local aquaculture products could be expanded to other regions of the country, which would increase product output forcing up the unit price. Unfortunately, the industry is not currently capable of funding such a marketing initiative.

Similarly, financial obstacles to aquaculture projects including start-up costs and marketing initiatives, as well as those inherent to the complicated permitting process, exclude all willing participants from entering the aquaculture industry other than large corporations. In order to open the industry up to small scale operations and provide any chance of an alternative to traditional fishing, governments might need to create a framework whereby small scale projects could obtain permits more easily. Additionally, states would need to provide assistance in the form of funding start-up costs and marketing initiatives if such projects are to have a chance of maintaining viability.

## **19. SUMMARY \ RECOMMENDATIONS**

### **19.1. Inland Aquaculture**

1. Several state and federal agencies have direct roles in regulating inland aquaculture. Because each agency has different authorities and mandates, the development a "one stop shop" for an aquaculture permit will be difficult. However, as a first step, developing a "user friendly", easy to read brochure on what agencies need to be contacted and who specifically to contact along with telephone numbers, would help substantially with the entire permitting process.
2. Establish an aquaculture extension position. This should be filled by an individual that possesses strong biological as well as technical capabilities in the field of aquaculture.
3. Private aquaculture needs to assist in funding the registration of critical drugs needed in fish culture. It is in the industry's own best self-interest to work directly with the states and federal government in accomplishing this huge task.

### **19.2. Marine Aquaculture**

The following conclusions incorporate both issues relating to the aquaculture industry as a whole and to specific types of aquaculture practiced or proposed for Massachusetts. The conclusions summarized here can be characterized as problems which warrant further attention and action.

### **MARINE MONITORING/ENVIRONMENTAL REVIEW**

Protection of coastal water quality is essential to a sustainable wild and aquaculturally derived seafood industry. Shellfish beds closed due to point or non-point pollution sources represent an underutilized resource and lost revenue for coastal Massachusetts.

The state must move forward to remediate and reopen closed wild shellfish beds while at the same time, promoting marine aquaculture for non-productive intertidal and subtidal areas. Marine aquaculture development should not be promoted at the expense of our wild fishery.

The siting of wastewater treatment plant outfalls historically was done without consideration of adjacent shellfish beds. As a result, shellfish beds located adjacent to outfalls are often restricted or closed due to excessive fecal coliform counts.

Fecal coliform may not be the best indicator for pathogens and viruses but is uniformly used as the indicator species for shellfish safety.

The full extent of environmental impacts from aquaculture are uncertain. While it appears from limited studies and experience that aquaculture, if properly sited, does not cause noticeable degradation, the public often has the belief that aquaculture is a polluting industry.

Despite the numerous permits required to undertake aquaculture, environmental review of aquaculture proposals is fragmented. If MEPA thresholds are not met and a Chapter 91 license not required (which is generally the case), the only opportunity for state level environmental review is at DMF which has limited staff resources dedicated to environmental review of such proposals. The other state environmental agencies would have a back-door role in reviewing Section 404/10 permits.

There are concerns that the use of Off-Road Vehicles (ORV's) utilized by shellfish culturists to access the intertidal area may be detrimental to wetlands and oftentimes, endangered species such as piping plovers.

Financial and staff resources necessary for environmental review, marine monitoring, technical assistance, administration, and enforcement of aquaculture leases are not adequate at the state or municipal levels of government. Funding for aquaculture, however, does exist under NMFS' Fishing Industry Grants (FIG) program and the Saltonstall-Kennedy (SK) program.

## ECONOMIC REVIEW/MARKETING

Bivalve mollusk culture has historically been and is presently, the dominant form of aquaculture in the state. No other type of marine aquaculture is currently under commercial cultivation.

The lack of an accurate reporting mechanism for marine aquaculture production has resulted in unreliable economic information on this small, but growing industry.

Aquaculturists are oftentimes not viewed as business people but rather "hobbyists" due to inconsistent reporting of profit and poor record-keeping. This perception that aquaculture is a hobby and not a viable business has led to difficulties in obtaining technical assistance, bank loans, small business assistance, etc.

Press coverage of shellfish disease has led to widespread consumer concern or fear over the safety of shellfish. Overcoming this largely erroneous fear has become a marketing hurdle for the aquaculture industry.

There is no state agency which is explicitly responsible for promoting aquaculture. This stems largely from aquaculture having aspects relating to both agriculture and fisheries. Aquacultural practices do not easily fit within one existing agency

mandate. There is presently minimal state involvement in aquaculture marketing, small business development and financing.

Privatization of traditionally government functions (i.e., hatcheries, marine monitoring, depuration) could be considered as a means to minimize government costs and encourage private investment in aquaculture.

The majority of aquaculture research and development is done by the private sector or the academic community in Massachusetts. The role of state and federal research and development is extremely limited. Research and development needs relating to production technology, disease control, quality control, environmental impacts, and species specific information are holding back the economic potential of aquaculture in Massachusetts.

Opportunities for aquaculture training and education is extremely limited in the state. Most private aquaculturists are reliant on limited technical assistance from Sea Grant, U-Mass Extension, and other aquaculturists. There are no degree granting institutions with aquaculture programs in the state.

## REGULATORY REFORM

Shellfish culture, fish farms and aquaculture in general, are poorly understood industries in coastal towns. This misunderstanding has sometimes led to distrust and conflict over private and public tideland and submerged land use.

The aquaculture industry in Massachusetts operates using a mix of private tidelands, public tidelands, state-owned submerged lands (from mean low water to three miles seaward) and probably sometime soon, federally owned submerged land in the Exclusive Economic Zone (EEZ). Multiple use conflicts of these lands are numerous. Wild fisheries, navigation, recreation, aesthetics and environmental protection are some of the competing uses of this land.

The regulatory requirements for aquaculture are complex and somewhat redundant. It is often unclear to proponents which permits and approvals are necessary from what authorities for different types of aquaculture located in different jurisdictions.

For the purposes of regulation, aquaculture does not fit precisely into any existing state agency. Instead, it has been fragmented between the Department of Fisheries, Wildlife, and Environmental Law Enforcement and the Department of Environmental Protection. At times, aquaculture is considered an industrial venture, while at other times it is considered fishing or agriculture. As a result, aquaculture is currently faced with regulatory constraints from several directions, but without benefitting from a direct association with any of the administrative agencies.

Should the New England Fisheries Management Council exercise its jurisdiction over aquaculture projects in the Exclusive Economic Zone (EEZ), the state's role in reviewing such proposals is limited to Consistency review through CZM. CZM has no enforceable policies directly relating to aquaculture.

There are concerns that the use of Off-Road Vehicles (ORV's) utilized by some shellfish culturists to access the intertidal area may be detrimental to wetlands and oftentimes, endangered species such as piping plovers. Generally, their use is not standard procedure throughout the industry.

Financial and staff resources necessary for environmental review, marine monitoring, technical assistance, administration, and enforcement of aquaculture leases is not adequate at the state or municipal levels of government.

The Chapter 91 program does not currently consider shellfish trays to be "structures" and therefore they do not require any license or permit. Additionally, floating pens are handled like moorings and are generally approved by local harbormasters under Section 10A. To date, DEP has not required a license for any intertidal or subtidal aquaculture facility because most operate with mooring systems rather than with fixed structures. Therefore, aquaculturists are permitted to use year to year Chapter 91 permits obtained by local harbormasters to use public lands at no cost. Some large aquaculture operations may choose to obtain a long term license for financing or to reserve the rights for a longer period of time because the annual 10A permits may not offer long term security that is usually needed for these projects.

Aquaculture leases issued by municipalities are limited to ten year periods with no guarantee of renewal.

Aquaculturists perceive regulating agencies, both state and federal, as having an adversarial approach to aquaculture review rather than being cooperative or encouraging. Aquaculturists see the need for a gubernatorial policy which supports aquaculture in the state.

There may be a need for the regulatory structure to differentiate between commercial aquaculture and resource preservation, enhancement of wild fisheries, and experimental endeavors.

## **GLOSSARY**

Applicant - any individual, partnership, corporation, firm, business, club, organization, association, municipality, or any other commercial or non-commercial entity.

Aquaculture -the propagation, culture, and maintenance of fish under a Class 1, 2, or 3 permit.

Bait fish -the following fish are considered bait fish in Massachusetts and may be captured for personal use: American eel, white sucker, creek chubsucker, banded killifish, mummichog, pumpkinseed, golden shiner, emerald shiner, spottail shiner, rainbow smelt, yellow perch, fallfish.

Commercial bait fish - the following fish are considered commercial bait fish in Massachusetts: white sucker, mummichog, golden shiner, emerald shiner, spottail shiner, fallfish.

Culch -Hard material (usually broken oyster/clam/scallop shells) laid down in intertidal area to attract spat.

Culture -to use an artificial environment or an altered or enhanced natural environment in order to induce fish growth, development through life stages, or reproduction.

Director -the Director of the Division of Fisheries and Wildlife or his agent.

Discharge - (Clean Water Act, 33 U.S.C. Section 1362) The addition of any pollutant to navigable waters from any point source, (or) the addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.

Division - the Massachusetts Division of Fisheries and Wildlife.

Expansion - an increase in the area of an aquaculture facility used to hold fish during culture or maintenance.

Ex-vessel price - Price that fishermen receive for their catch. "Off the boat price"

Farm gate value - Price that aquaculturists receive for their products. "off the farm price"

Fish -any vertebrate of the class Cyclostomata or Osteichthyes or parts, spawn, or viable eggs thereof inhabiting freshwater.

Great Pond -a natural pond the area of which is twenty (20) acres or more.

Maintain - to keep fish in indoor or outdoor confinement or otherwise hold them under artificial conditions that allow the person exclusive control over the fish. Fish that are maintained may be supplied with food or otherwise cared for to sustain life but not to induce growth or allow reproduction.

Native - a species that either occurs, or has occurred within Massachusetts, provided that the original occurrence of such species is not the result of deliberate or accidental introductions by humans.

Naturalized - fish species that were introduced by humans and have established self-sustaining, reproducing populations.

Navigable Waters - all waters, creeks, coves, inlets, and arms of the sea or rivers that are: 1) under tidal influence; or 2) defined as navigable by the U. S. Army Corps of Engineers under the Rivers and Harbors Act.

Non-point Source - Pollution source not confined to a discrete conveyance (i.e. agricultural runoff, return flows from irrigation, and stormwater discharges.)

NPDES - National Pollution Discharge Elimination System. Permit issued by the federal Environmental Protection Agency (EPA) for point sources of pollution (i.e., outfalls, drains).

Point Source - Any discernable, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants may be discharged.

Propagate - to take specific measures to encourage the natural or artificial reproduction of fish.

Stock - to release fish into the waters of the Commonwealth. A liberation permit is required for all releases that are not specifically allowed by other aquaculture permits.

Toxics - Heavy metals such as lead, copper, and mercury as well as a broad class of pollutants known as organics. Organic pollutants include such petroleum based compounds as polycyclic aromatic hydrocarbons (PAH's), polychlorinated biphenyls (PCB's) and pesticides. Filter feeding bivalves tend to accumulate cadmium and mercury as well as PCB's.

Wildlife - amphibians, reptiles, birds, and mammals.

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## **APPENDIX: MDFW Aquaculture Regulations Summary**

### **DIVISION OF FISHERIES AND WILDLIFE SUMMARY OF AQUACULTURE REGULATIONS**

Approved by the Fish and Wildlife Board  
August 25, 1994



## **INTRODUCTION**

The Division of Fisheries and Wildlife (DFW) has a mandate to conserve, restore, and manage the biological resources of the Commonwealth. The DFW, through its statutory authority, oversees activities such as fishing, hunting, trapping, and aquaculture. Each of these activities is regulated through a license/permit system and is subject to certain restrictions.

The DFW aquaculture permit process has not been significantly revised since 1968. Since that time, a burgeoning aquaculture industry and changing sportfishing demands have generated many new fish and wildlife issues. In keeping with these changes, the DFW has developed a clear, concise, and standard process for issuing aquaculture permits in the Commonwealth. These regulatory changes simplify and clarify the permit process and enhance resource protection.

The following is a summary of the regulations found in 321 CMR 4.09. This summary is intended only as a guide to permit requirements. The official regulations, available from the Statehouse Bookstore (Room 116, Statehouse, Boston, MA 02133), should be read before any final decisions about aquaculture are made.

There is a glossary in the Appendix that defines the terms found in this review. Although it defines some terms that might be considered common knowledge, a review of the glossary is necessary to fully understand this document.

## **AQUACULTURE - 321 CMR 4.09**

This section is entitled "Propagation, Culture, Maintenance, and Sale of Protected Freshwater Fish." These regulations are designed to create a clear, concise process for issuing permits for the culture and sale of fish while protecting the Commonwealth's existing fisheries resources from over-exploitation, uncontrolled and unintentional introductions, and disease infestations.

### Aquaculture Permits

Except in situations specifically allowed by fish and wildlife laws, it is illegal to possess, maintain, propagate, culture, or sell any fish without having a valid permit in one of four classes:

- 1) Class 1 private waters permit;
- 2) Class 2 public waters stocking permit;
- 3) Class 3 aquaculture permit;
- 4) Class 6 dealer's permit.

**Harvest of fish from the wild is not allowed under any aquaculture permit.** These classes are provided for in general law and defined by fish and wildlife regulations. Fish cultured under an aquaculture permit may be harvested without regard to existing fishing regulations (321 CMR 4.01).

All permit applicants must submit information regarding their intent to culture fish (Table 1). The DFW will review the information and issue or deny the appropriate permit. The DFW may also revoke permits that have been issued if the permit holder violates any of the terms of the permit or any DFW fish and wildlife laws and regulations. Permits are good for one (1) year and renewal applications must be filed before January 1. Renewal applications should be submitted at least 15 days before this deadline to ensure that the paperwork can be handled quickly.

**Table 1. Information required on all aquaculture permit applications.**

1. applicant's name, address, and telephone number
2. applicant's date of birth
3. in the event the applicant is a corporation, firm, partnership, institution, or agency, the name, address, and telephone number, of the president, director, head, or principal officer
4. the location or locations where the permitted activity will be conducted
5. the species or types of fish or parts thereof which are to be propagated, cultured, maintained, or sold
6. the specific source or sources from which the fish are to be obtained
7. the date of the application
8. the applicant's signature
9. for a Class 3 permit, accurate diagrams, models or drawings in scale or pictures depicting the precise physical conditions under which the fish will be maintained
10. for a Class 6 permit, or for a Class 3 permit issued for commercial purposes, a signed affidavit certifying that the applicant has to the best of his knowledge paid all state taxes as required by the Massachusetts Department of Revenue
11. a written plan detailing the intended activity for which the fish are to be maintained, the disposition of the fish, if relevant, and other information pertinent to a full explanation and justification for the possession of the fish
12. for a Class 3C aquaculture permit, a waste management plan as provided for in 321 CMR 4.09 (4)(a).

## **Class 1 Private Waters Permit**

A Class 1 private waters permit is issued for non-commercial aquaculture. Fish may not be sold under a Class 1 private waters permit. This permit authorizes the permit holder (i.e. individual, club, or association) to buy, possess, propagate, culture, and maintain fish for personal use only. People may fish in a waterbody licensed as a Class 1 without a Massachusetts fishing license as long as they have written permission from the permittee.

Each waterbody permitted under a Class 1 private waters permit must meet all of the following criteria: 1) it may not be located on a great pond or navigable water; 2) it must be designed to allow the passage of anadromous fish that naturally or historically occur in that body of water; 3) it must be conspicuously posted; and 4) it must be exclusively controlled by the permittee. It is important to stress that a stream or pond can not be permitted under a Class 1 private waters permit unless the applicant (i.e. individual, club or association) owns all of the shoreline of the pond or both banks of the stream.

The waterbody used to culture fish under a Class 1 permit is required to have screened intake and outflow conduits to prevent the escape of the smallest life stage being cultured or maintained. For example, if 9 to 12 inch trout are placed in a pond for fishing under a Class 1 permit, the pond must have the appropriate mesh screening to prevent the escape of trout 9 inches or larger. Class 1 permittees are authorized to grow only those fish species that are either: 1) native or naturalized in Massachusetts and found in most (approximately 95%) of the Commonwealth's watersheds; or 2) are listed as commercial bait species as approved by the Fish and Wildlife Board (Table 2). **Live fish may not be taken from the premises of Class 1 permittees unless they are to be stocked under a valid liberation permit or transferred to a facility with a valid permit to culture those fish.**

## **Class 2 Public Waters Stocking Permit**

A Class 2 public waters stocking permit authorizes the permit holder to purchase, possess, propagate, culture, and maintain fish that are going to be stocked into public waters. The terms and conditions of this permit will be determined on a case by case basis. Fish may not be sold under a Class 2 public waters stocking permit.

## **Class 3 Aquaculture Permit**

A Class 3 aquaculture permit authorizes the permit holder to propagate, culture, maintain, purchase and sell fish. Class 3 aquaculture permits may be issued for three different types of facilities:

- 1) **Type A aquaculture facilities** are those facilities with the fewest requirements to prevent the escape of cultured fish. However, they are also the most limited of the facilities in terms of the species that may be cultured;

**Table 2: Fish species allowed for culture under a Class 1 permit or a Class 3 Type Aquaculture Facility.**

bluegill	<u>Lepomis macrochirus</u>
brook trout	<u>Salvelinus fontinalis</u>
brown bullhead	<u>Ameiurus nebulosus</u>
brown trout	<u>Salmo trutta</u>
chain pickerel	<u>Esox niger</u>
emerald shiner	<u>Notropis atherinoides</u>
fallfish	<u>Semotilus corporalis</u>
golden shiner	<u>Notemigonus crysoleucas</u>
largemouth bass	<u>Micropterus salmoides</u>
mummichog	<u>Fundulus heteroclitus</u>
pumpkinseed	<u>Lepomis gibbosus</u>
rainbow trout	<u>Oncorhynchus mykiss</u>
spottail shiner	<u>Notropis hudsonius</u>
white sucker	<u>Catostomus commersoni</u>
yellow perch	<u>Perca flavescens</u>

2) **Type B aquaculture facilities** are intermediate in their requirements to prevent the escape of cultured fish and are allowed to grow more species than Type A aquaculture systems;

3) **Type C aquaculture facilities** have the most requirements to prevent the escape of cultured fish and are allowed to grow the largest number of fish species.  
 Type A, B, and C, aquaculture facilities have four criteria in common: 1) they may not be located on great ponds or navigable waters; 2) they must be designed to allow the passage of anadromous fish that naturally or historically occur in that body of water; 3) they must be conspicuously posted; and 4) they must be exclusively controlled by the permittee.

**Live fish may not be removed from any Class 3 facility without a valid permit to stock or culture those fish. The seller must keep a record of the name, address, and permit number of the buyer.**

Although all aquaculture facilities are authorized to propagate, culture, and maintain fish, each type has different criteria to which it must adhere.

## **AQUACULTURE FACILITY CRITERIA:**

### **Type A Aquaculture Facilities**

Type A aquaculture facilities are required to have screened intake and outflow conduits to prevent the escape of the smallest life stage being cultured. Type A aquaculture facilities are authorized to grow only those fish species that are either: 1) native or naturalized in Massachusetts and found in most (approximately 95%) of Massachusetts' watersheds; or 2) are listed as commercial bait species (Table 2).

### **Type B Aquaculture Facilities**

Type B aquaculture facilities are required to have screened intake and outflow conduits to prevent the escape of cultured fish and also must be enclosed by a fence or similar barrier to prevent unauthorized access, theft and vandalism. Type B aquaculture facilities are authorized to culture any species found in Table 2 and additional species that already exist, as determined by the DFW, in the watershed in which the facility is located.

### **Type C Aquaculture Facilities**

Type C aquaculture facilities require the most restrictive measures to prevent the escape of cultured fish and protect aquatic resources. These facilities must be designed to ensure the separation of cultured fish from the Commonwealth's natural aquatic environment both physically and biologically. Type C aquaculture facilities must be located and operated outside the 100 year flood plain as defined by the Federal Emergency Management Agency (FEMA). Type C facilities must be located within a secure, permanent, and enclosed building designed to prevent predation from birds and mammals, escape of cultured fish, trespass, theft, and vandalism. These facilities must also be designed, constructed and operated in such a way as to prevent the discharge of biological effluent and diseases into the environment and have a non-polluting waste disposal plan to dispose of solid waste such as fish carcasses. Lastly, to ensure continual water quality maintenance, Type C facilities need to: a) have a functional backup electrical system; or b) discharge all of their effluent into a municipal waste treatment facility.

Fish species that may be cultured in this type of facility include the following: a) all species listed in Table 2; b) all species found, as determined by the DFW, in Massachusetts watersheds; and c) tilapia, white bass, and white bass X striped bass hybrids. Other species may be allowed, at the discretion of the Director, for culture in Type C aquaculture facilities and will be considered on a case by case basis.

### **Amendments to Class 3 Permits**

Class 3 permittees must submit written amendments to the DFW permit office to propose any changes in the species held at their facility or any expansion of the

facility. The amendments must be submitted and approved before the changes may take place.

### Class 6 Dealer's Permit

A Class 6 dealer's permit allows the permit holder to possess, maintain and sell live or dead fish that were harvested or cultured legally. There are two common situations where this permit is typically issued. First, this permit will allow bait store owners to hold commercial bait species for sale. Second, grocery stores or restaurants that have a live tank of fish, often trout, will be able to operate under this permit rather than having to obtain a Class 3 aquaculture permit. A Class 6 dealer's permit is not needed to sell carcasses that have already been processed and packaged legally.

If fish are to be maintained alive under a Class 6 dealer's permit, the facility must meet the established requirements for holding that species. For example, in order to maintain rainbow trout, the premises of the Class 6 dealer would have to meet the requirements for a Type A aquaculture facility. Live fish, except for commercial bait fish species sold as bait, may not be taken from the premises of Class 6 licensees unless they are to be stocked or cultured under a valid permit. **The seller must keep a record of the name, address, and permit number of the buyer when selling live fish.**

### Special Circumstances Concerning Aquaculture Permits

#### Recreational Fishing

Fishing in aquaculture facilities (for example fee fishing areas or sportsmen club ponds) is an activity that has gained in popularity over the past decade. DFW regulations do allow for this activity with certain restrictions and when certain guidelines are followed. Class 1 and 3 permit holders may allow fishing in waters under their control. In these situations, the permittee must keep a log book to record the date, number and species of fish removed by angling, and the name(s) and signature(s) of angler(s) who removed fish. This log book must be used for the purposes of recording removal of any fish for which the DFW has set length or creel limits. A dated receipt from a Class 3 permittee with the name of the permittee, number, and species of fish removed will also be acceptable proof of lawful possession. The purpose of the log book or receipt becomes clear in the following example: If an individual is stopped by an Environmental Police Officer and is in possession of four trout, when the limit is three, a receipt from a licensed aquaculturist is necessary to demonstrate that those fish were taken legally. The permittee must keep a record of these receipts for a minimum of two years. State law also allows that, as an alternative to the log book, metal tags may be placed on each fish that leaves the premises.

## **The Sale of Bait Fish**

The sale of bait fish in Massachusetts is an important addition to the income of many tackle shop owners. Recent DFW regulation changes have stipulated which species may be sold as bait and which species may be captured by licensed anglers for their own use as bait (321 CMR 4.01). A Class 6 dealers permit may allow the maintenance and sale of commercial bait species but not the capture of baitfish from the wild. A Class 3 aquaculture permit may also allow the permittee to culture, maintain, and sell commercial bait species, but again does not allow capture from the wild. A shiner permit (321 CMR 4.01) is required to capture designated commercial baitfish species from the wild for purposes of sale.

## **Scientific and Educational Permits**

Scientific, educational, and captive breeding permits will be issued only as Class 3 permits. Fish must be held in indoor facilities that meet the aquaculture facility requirements appropriate to the species being cultured or maintained.

## **Selling Fish as Food**

Class 3 permittees and Class 6 dealers need to meet some additional criteria in order to sell fish as food. They must have a Class 3 or Class 6 permit for each place of business; they must conspicuously post their permit in their business in full public view; and they must meet the packaging, marking and tagging requirements as follows: the fish, once killed, must be wrapped or packaged in containers that are labelled with the name and address of the permittee, and the species name, number, and the net weight of fish in each package.

## **SUMMARY**

The DFW has the authority to regulate aquaculture in the Commonwealth. A process and decision criteria have been established under these regulations to ensure a consistent, fair approach to issuing permits to aquaculturists while protecting the Commonwealth's aquatic resources.

The end result is a permit system that protects the resource and can be more easily implemented and applied to the multitude of modern aquaculture interests.





## *Massachusetts* **Coastal Zone Management**

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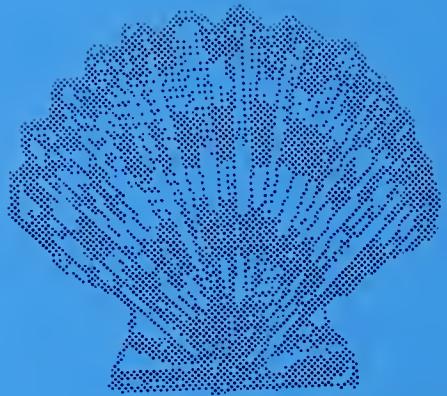
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